

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
FIRST REGULAR SESSION  
63rd Legislative Day  
Wednesday, June 17, 2015

The House met according to adjournment and was called to order by the Speaker.

Prayer by Honorable Russell J. Black, Wilton.

Pledge of Allegiance.

Doctor of the day, James Hildebrand, M.D., Orono.

The Journal of yesterday was read and approved.

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### SENATE PAPERS

#### Non-Concurrent Matter

Bill "An Act To Provide Funding for Head Start Services"

(H.P. 723) (L.D. 1054)

Report "A" (7) **OUGHT TO PASS AS AMENDED** of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403)** in the House on June 12, 2015.

Came from the Senate with Report "C" (2) **OUGHT TO PASS AS AMENDED** of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-404)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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### REPORTS OF COMMITTEE

#### Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-262)** on Bill "An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores"

(S.P. 295) (L.D. 821)

Signed:

Senators:

BRAKEY of Androscoggin

McCORMICK of Kennebec

Representatives:

HEAD of Bethel

MALABY of Hancock

PETERSON of Rumford

SANDERSON of Chelsea

VACHON of Scarborough

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook

BURSTEIN of Lincolnville

HAMANN of South Portland

HYMANSON of York

STUCKEY of Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-262).**  
**READ.**

On motion of Representative GATTINE of Westbrook, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-270)** on Bill "An Act To Make the State's Standard for Lead Exposure in Children Consistent with the Federal Standard"

(S.P. 387) (L.D. 1115)

Signed:

Senators:

BRAKEY of Androscoggin

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook

BURSTEIN of Lincolnville

HAMANN of South Portland

HYMANSON of York

MALABY of Hancock

PETERSON of Rumford

STUCKEY of Portland

VACHON of Scarborough

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

McCORMICK of Kennebec

Representatives:

HEAD of Bethel

SANDERSON of Chelsea

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-270).**

**READ.**

On motion of Representative GATTINE of Westbrook, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-456)** on Bill "An Act To Remove the Limit on the Number of Patients a Primary Caregiver May Provide for under the Medical Marijuana Laws"

(H.P. 8) (L.D. 5)

Signed:

Senators:

BRAKEY of Androscoggin

HASKELL of Cumberland

Representatives:

BURSTEIN of Lincolnville

HAMANN of South Portland

HEAD of Bethel

HYMANSON of York  
MALABY of Hancock  
SANDERSON of Chelsea  
VACHON of Scarborough

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

GATTINE of Westbrook  
PETERSON of Rumford  
STUCKEY of Portland

**READ.**

Representative GATTINE of Westbrook moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 282**

YEA - Austin, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Buckland, Burstein, Chapman, Chipman, Daughtry, Davitt, Devin, Dion, Duchesne, Dunphy L, Dunphy M, Evangelos, Farrin, Fecteau, Gideon, Gilbert, Golden, Greenwood, Grohman, Hamann, Hanington, Harlow, Hawke, Head, Hickman, Higgins, Hubbell, Hymanson, Kruger, Kumiega, Lajoie, Longstaff, Malaby, Martin R, McCabe, McCreight, McElwee, Melaragno, Monaghan, Moonen, Noon, O'Connor, Pierce J, Pierce T, Powers, Reed, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sirocki, Stanley, Stearns, Stetkis, Sukeforth, Tipping-Spitz, Vachon, Verow, Warren, Welsh, Wood, Mr. Speaker.

NAY - Alley, Babbidge, Battle, Bickford, Black, Bryant, Campbell J, Campbell R, Chace, Chenette, Cooper, Corey, Crafts, Dillingham, Doore, Edgecomb, Espling, Farnsworth, Foley, Fowle, Frey, Gattine, Gerrish, Gillway, Ginzler, Goode, Grant, Guerin, Hanley, Herbig, Herrick, Hobart, Hobbins, Hogan, Jorgensen, Kinney J, Kinney M, Kornfield, Lockman, Long, Luchini, Lyford, Maker, Martin J, Mastraccio, McClellan, McLean, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Prescott, Rotundo, Sanborn, Sherman, Short, Skolfield, Tepler, Theriault, Timberlake, Timmons, Tucker, Tuell, Turner, Wadsworth, Wallace, Ward, White, Winsor.

ABSENT - DeChant, Fredette, Hilliard, Marean, Pouliot, Stuckey.

Yes, 73; No, 72; Absent, 6; Excused, 0.

73 having voted in the affirmative and 72 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-456)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-456)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-454)** on Bill "An Act To Amend the Maine Medical Use of Marijuana Act"

(H.P. 942) (L.D. 1392)

Signed:

Senators:

BRAKEY of Androscoggin  
HASKELL of Cumberland

Representatives:

HEAD of Bethel  
HYMANSON of York  
MALABY of Hancock  
SANDERSON of Chelsea  
VACHON of Scarborough

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

GATTINE of Westbrook  
BURSTEIN of Lincolnville  
HAMANN of South Portland  
PETERSON of Rumford  
STUCKEY of Portland

**READ.**

Representative GATTINE of Westbrook moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Ladies and Women of the House, Maine has been touted as having the best medical marijuana law, or program, in the country. I think that's something that we can be incredibly, incredibly proud of.

The SPEAKER: Will the Representative defer? The Chair would just remind folks to keep the chatter down. Members are having a hard time hearing, so, not just for this bill, but all the bills that we're going to be debating throughout the day. Thank you. The Representative may proceed.

Representative **SANDERSON**: Thank you, Mr. Speaker. This is a program that we can all be very proud of. It's very progressive and it's recognized across the nation as a model in how we treat our patients, how we have our patients have this product available. But, what we need to do now is make sure that the Department has the tools that they need to make sure that our program is filled with integrity and making sure it continues to be the best it can be.

This bill was brought forward by the Department to have a little bit more oversight, a few more tools, in order to conduct this program and keep it in a manner that we can all be proud of. It adds some tools for the Department for inspections—excuse me, not inspections, that part was stripped out—clarifying language. It adds tools for the Department for fines and penalties for those that are acting as bad actors and giving this program a bad name. The vast majority, vast majority, of the individuals who operate as caregivers, patients, dispensary owners in this

program, are doing so legally and responsibly. However, we do have some who are not and unfortunately, due to the stigma attached with marijuana, it gives the entire program a bad name.

Most of you who are in here and are not the first year know that I have worked extensively on this program helping to craft and mold it and get it to where it is today. I want it to continue to be the best program we have in the nation. I want us to continue to be a model for the rest of the country. I want us to continue to have a strong, vital medical marijuana program that has both dispensaries and a strong, vibrant caregiver model for years to come.

I urge you to support this bill. It gives the Department tools it needs. It also gives the caregivers, law enforcement, assurity of what's expected. I hope you will vote against the pending motion and pass the Ought to Pass as Amended. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I didn't speak at all yesterday, so I'm raring to go. I support this bill wholeheartedly because it does what it should do and for people who do not obey the law, it takes care of them, too.

As we all know, as adults, no matter whether you call it medical marijuana or what you call it, as far as the federal government is concerned, it's illegal. Talk about Colorado making it legal. Colorado didn't make it legal; they made it legal for themselves. And I've been listening to some of the candidates that's running for President of the United States and they said they won't sit back. If they get in, they'll go right after Colorado and Washington.

Some of the surrounding states are already bringing lawsuits against them, the problem it's causing them. I've talked to many of doctors, asking them questions and they said to me, "There is no such a thing as medical marijuana." They thought that when it was going to be made legal, it would be controlled like any other drug; that the federal government would have the drug companies produce it at the right amount of contents and if your doctor recommended you get the marijuana, you'd go to the drug store the prescription like you do with anything else. And until then, I think the best that we can do is this bill, right here, Representative Sanderson's bill, 1392, and I support her wholeheartedly. Thank you.

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Under suspension of the rules, members were allowed to remove their jackets.

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The SPEAKER: The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Mr. Speaker, Men and Women of the House, I rise in support of the act of support of LD 1392 and against the Ought Not to Pass motion. We worked hard in Health and Human Services on this. The public hearings were extensive. There were many caregivers and dispensary people who came to the room. There were many negotiations and I really have to give my hat off to the Representative from Chelsea, Representative Sanderson, for her time and her work on this. And I think it does walk the walk of maintaining the integrity of the program that we have here in Maine that I also have heard many times is the model for the nation. So, I hope that you will support the bill and vote against the Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker, Women and Men of the House, I rise in support of the pending motion, Ought Not to Pass on LD 1392. I'm afraid that this bill adds to the criminalization of caregiving and I'm afraid that it perpetuates more of a problem. There is a doctor/patient confidentiality component, and a caregiver, it interferes, I believe with compassionate care in this area.

I took, when I was practicing I did take the Hippocratic Oath very seriously and that doctor/patient confidentiality seriously and the HIPAA laws very seriously and I'm just afraid, right now, we have a criminalization culture and that there are people that are in prison right now that are not being treated for appropriately in this. Although it's perhaps well intended, it will have a lot of unintended consequences, I'm afraid.

I do have a friend that has pancreatic cancer and she's suffered with that. She did have an operation for the pancreatic cancer, but she's suffered with chemotherapy side effects of nausea, vomiting, cachexia, which means that she's losing a lot of weight and suffering from the effects of that. And she was prescribed Marinol. However, there are natural medicines that can help. And we do have natural remedies that can help and I think it's important that we don't criminalize this treatment that we've decided to make lawful in the State of Maine because people with seizures, HIV, Crohn's Disease, there are multiple medical conditions that do benefit and I think the evidence is there that they do benefit from medical marijuana. And to criminalize a medical treatment is just a dangerous path. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Dion.

Representative **DION**: Good morning, Mr. Speaker, Ladies and Gentlemen of the House, I rise to oppose the Majority Report. For me, it's a balance between the preservation of the integrity of the household or family unit versus the integrity of the medicinal marijuana program. As long as the medicinal marijuana program's been in effect, we have drawn a distinction between those who assume the responsibility of being a caregiver for someone in their home versus caregivers who exist in the market on a fee-for-service relationship with other patients.

Where the state has a legitimate interest in regulating those in the latter category, I reject the idea that the state should intrude on the privacy of service and care between family members or those who share the same household. I'm also concerned that we decided, essentially, to backdoor medicinal marijuana into a status that would once again subject it to criminal sanction.

God, we have enough crimes. Can we not regulate an activity without turning it into a criminal event? If we have issues in terms of licensed behavior, then it should be dealt with administratively. And actually, that would be an event much easier to prove to a review board, an administrative hearing officer, or a judge if necessary. I think we should move with a light and reasonable touch in terms of regulating a market, which my esteemed colleague from Chelsea correctly characterizes, as overwhelmingly law-abiding. So, I will vote "no" to ensure the government cannot enter and trespass into what I believe to be the private conduct of family or household members. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise, sort of begrudgingly, but in favor of the pending motion. I want to give the good Representative from Chelsea, who works very hard on these issues, a lot of credit for this. And I completely concur with her that there are some bad actors in the medical marijuana

community that we need to hold accountable, and I would like to see that happen. This final version of this bill, however, has some things in it that I disagree with and have deep concern over, so let me just go through those.

This makes it a crime for a person to grow medical marijuana for a household member, or more than two family members without registering with the state. Even if that person is not selling marijuana for profit. One of the things that we've worked on through the years is to make sure that patients are not put on a registry. And by requiring the folks who are growing medical marijuana for their family members in the home to register, it sort of a back door to the registry. We passed another bill recently through this body that actually protects against a patient registry and I think my big concern with this bill is that we're actually requiring family members who are growing it, for not a purpose of selling it, but for a purpose of providing it for their family. Requiring them to register causes me some concern.

The other piece is that the current version of the bill, the licensing violations are a Class D crime, so if you fail to register, let's just say you have a child and that child has grand mal seizures and you're growing it to create a concentrate to stop those seizures. If you don't realize the law has changed and you've been all along able to grow medical marijuana and you don't register with the state, it's now a Class D crime. That, I have real concerns over.

Since 2002, Maine law has allowed a patient to designate a family member as a caregiver. That's really important. If someone is unable to grow for themselves, having a family member be able to do it for them means that you don't have to go through all the licensing stuff. They are authorized to care for the plants and the law has not required a household member/caregiver to register with the Department ever before. This is new. The other part is caregiver registration. This is another piece. Caregiver registration costs \$240 per year per patient. There is a cost of a background check and there is the cost of a pesticide applicator's license even if you're not using pesticides. Those are new and additional costs for families who are growing for themselves. And the thing to keep in mind about that is not everybody can afford to go to a caregiver. Not everybody can afford to go to a dispensary. It is expensive to grow this. And so the cost of the medicine is also expensive. Being able to grow it on your own at home for your family member means that you can do it at a much more affordable rate, so charging family members \$240 a year, plus all the other stuff, is really problematic.

We talked about patient privacy. The big thing that I have with this is that I think there's a difference, and we need to think about this. There's a difference between growing for yourself or your family member at home and growing for sale. When you get to that place where you are growing it to sell to another person, that's when the state should step in. But if you are growing it for your family and you're not charging them. It's literally you're growing it for your family so that they can have the medicine that they need, that is an area where we don't need to put those people on a registry. We shouldn't have to charge those people money.

So, those are the specific concerns I have with this and it gives me great heartburn to vote against this, to be honest with you, because we do need to strengthen the regulations in the caregiver community, we do need to be able to have an honest conversation about the fact that there are bad actors in the market, and that jeopardizes the entire market. More importantly, it jeopardizes patient access. It makes it so that everybody here thinks that this is a bunk program, when in fact, it's the best program in the country and it is having very real positive

outcomes for people all across this state. So, I would begrudgingly ask that you support the pending motion, that you oppose LD 1392, but not because I don't understand the intent of it, not because I don't agree with the intent of it, but because there are very specific things in the bill—technical details—that I think have real problems for families in this state. Thank you.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Ladies and Women of the House, I apologize for rising twice. I'd like to answer a few of the questions. In regard to the good Representative from Portland's concerns regarding the family caregivers: Unfortunate, yes we do, we do have the opportunity for anybody who is cultivating for an immediate family member or household member in their home, they do not have to register.

Unfortunately, what has developed is all of a sudden folks have a whole lot of aunts, uncles, and cousins that may not necessarily be family members. This is creating a problem and here was the reason why the original intent in the bill was to have all family caregivers register. We amended that bill. Right now, you do not have to register if you are cultivating for up to two immediate family members. Anybody above and beyond that, yes, you would have to register. However, there are going to be no fees assessed; the fees will be waived for immediate family members. That was a good compromise that came within that bill.

The other good Representative from Portland, Representative Dion, mentioned license behavior should be addressed with administrative methods. And that's what this bill seeks to do. Right now, there is no opportunity for the Department to be able to have any kind of a finding, any kind of a corrective action plan on caregivers, or any kind of a time period for which caregivers to come into compliance. And we specifically wrote that into the bill, that there would be the Department would, would have a finding. Very much like we have in many of our facilities across the state, there would be time to have a corrective action plan and there would be time for these caregivers to come into compliance before any, any fees or penalties or perhaps crimes, were assessed.

I do have an amendment that is not here that I hope we will be able to address at a future time, but we need to address this bill at this time before we can even get there. The good Representative from Lewiston or Auburn, I'm not sure which, Lewiston, spoke to the adding the criminalization and Marinol versus natural. Marinol is a synthetic and it certainly is not as effective for most people as the natural form of medical marijuana in any form that they use, be it a topical tincture, edible, vapor, or smoked method. And that is certainly what we want to do is make sure that we are keeping it non-criminalized in the medical marijuana program.

But what she's talking about—making sure that the cancer patients are served, making sure that the folks with high needs are served, as well as the folks with low needs are served—is exactly, exactly what this bill seeks to do. We do have the best law in the nation. We do have the best model in the nation. But again, unfortunately, a few bad actors. A few bad actors. And there are some. There are some. There are some things happening in this state—people impersonating themselves as registered caregivers, yet they have not registered. And meanwhile, if they haven't registered, what does that mean for the integrity of the program, the quality of the product, that they are illegally selling under the guise of being a caregiver. You know, what's going on there?

We need to make sure that we're keeping this in line. I want our program to remain strong. I want our program to remain

without question when it comes to potential federal interference. And this is a good step toward doing that. Many of the caregiver concerns were addressed in this bill. I urge you to vote down the pending motion, move it forward, and then hopefully we can put on an amendment to address some of the level of crime concerns that you have heard about today which I do have coming. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker, sitting here listening to the debate, I have noticed an irony emerge. On one hand, we have had previous marijuana-related bills go through with little or no discussion that generally make the medical marijuana more accessible. This bill, from my understanding, is going to make it more stringent, and yet here we are debating, hashing it over. And I find that ironic because it almost seems as though, it almost seems as though the move is to make it easier to get instead of harder to get; to deregulate instead of regulate; to be less responsible instead of more responsible.

And I, truthfully, don't know how I'm going to go here. I'm still listening. But I have to tell you, some of the things I've heard, I am definitely not for medical marijuana. Definitely not for it. And I'm troubled by the fact that we're having all of this debate over making it harder to get medical marijuana when we don't have it, over making it easier to get. Thank you, Mr. Speaker.

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Representative McCABE of Skowhegan assumed the Chair.  
The House was called to order by the Speaker Pro Tem.

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The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker, sorry to rise for the second time, but when I look here at what we just voted on, LD 5, there's nothing but one line and a quick summary—two lines. We get to Representative Sanderson's bill; there's 12 pages. And it protects people. It doesn't hurt them.

Let me tell you a little story. I sent my son to high school to a private boys' school. And he became friends with a couple of other boys from well-to-do families and then he started, I got a call from the brothers when he was a sophomore that he was failing, and he was almost an honor student in his freshman year. He started with smoking marijuana. And then drinking beer and everything else, and I thought I had a good kid turning bad. Took him out of the private school and put him in a public high school.

I came home one day and he talked to me about buying him a Corvette. And I helped him get the Corvette. That didn't do much good. I came home another day and the Corvette's parked on the lawn, not in the driveway or the street. And my wife is out of state. And I went in the house and my brother was there and I said to him, "Where's Jimmy?" He said, "I don't know, I think he must be tired. He's in bed." And I said, "His car's on the lawn."

And I went into the bedroom to check on him and said, "Why is your car on the lawn?" And his head went back and his eyes rolled back and he didn't respond to me. I called my friend down the street who was also the family doctor and he came and looked him over and said, "We have to get him to the hospital immediately. What did he take?" I said, "I don't have a clue."

But he was in the hospital two or three days in a coma and the doctors got my wife and I together and said, "He might never come out of the coma." But thank God, one Sunday, his eyes standing beside his bed in the hospital, sitting there, and his eyes rolled back and he looked at me. He said, "Dad, where the heck am I?" I said, "You're in a hospital."

But he grew up and he's in his 50's today and he's spent his life working with mentally challenged adults and he volunteers all his other time to counseling young people and young men and women about what drugs do to you. I'm very proud of him today and all I want to say is about Representative Sanderson's bill: it protects people that violate the law. Those people pay. I hope you vote down this Ought Not to Pass and support the Ought to Pass of Representative Sanderson's bill. Thank you very much, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from South Portland, Representative Hamann.

Representative **HAMANN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I'm rising in strong support of the Ought Not to Pass motion on this bill. I want to thank the Representative from Chelsea for her leadership on this and the director of CDC for bringing this bill forward.

Although Maine has one of the best medical marijuana programs in the country, there is still room for improvement. And I think there are areas for us to improve the program. But LD 1392, unfortunately, vastly misdiagnoses the problem and creates a Class D crime when one really is not necessary. Licensing violations should not be Class D crimes. It's already a crime to sell medical marijuana without a caregiver or a dispensary license. It's called drug trafficking. I'm not a caregiver. I don't have a dispensary license. If I grow marijuana and I sell it, I can go to jail for drug trafficking. So, law enforcement already has the tools they need to crack down on people who abuse the medical marijuana program. Creating new crimes is not necessary for the Department of Health and Human Services to take action and work with law enforcement if it's necessary to shut down someone who is illegally growing and selling marijuana.

My concerns with any of the medical marijuana laws are to improve access for patients, appropriate access for patients. And also, to improve patient privacy, and this bill does neither of those. So, access to life-changing medicine and that the patient's privacy is protected are two of the key components, I think, of any medical marijuana laws.

And to clear up one of the misconceptions that I'm hearing: to be clear, medical marijuana is not recreational marijuana. These are two very, very different things for people. And medical marijuana patients, they're not abusing marijuana. And I understand that some people might have an anecdotal story about somebody they know or somebody who knows someone who knows someone who used marijuana to an extreme level and it became part of an overall picture that may have led to certain circumstances in their lives, but that's recreational marijuana. We're talking about medical marijuana, which, in fact, improves lives and improves the quality of life for many Maine people. This bill would create an unnecessary Class D crime for a licensing violation. Again, it's unnecessary and I urge everybody to support the Ought Not to Pass motion. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Scarborough, Representative Vachon.

Representative **VACHON**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER PRO TEM**: The Representative may pose her question.

Representative **VACHON**: Thank you, Mr. Speaker, I would like to ask a question of the Representative of Chelsea if the amendment addresses the level of crime.

The **SPEAKER PRO TEM**: The Chair will remind all Members that what we are discussing at this time is the Minority

Ought Not to Pass Report. It is improper for the body to discuss things that are not before us.

The Chair reminded Representative VACHON of Scarborough to confine her debate to the question before the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the motion on the floor. This morning I received an email from a South Berwick resident who was a young mother of a daughter who has epilepsy. Before being able to have access to medical marijuana, her daughter was having up to 200 horrible convulsions a day, and that is very much more under control with the access to medical marijuana. And she feels very strongly she should not have to be registered in the public, so to speak, as a user. She feels that that should be private and she doesn't want the potential of being declared a criminal because she doesn't want to have to register. Therefore, and because of this citizen, I support this motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Mr. Speaker Pro Tem, Men and Women of the House, thank you for letting me rise again. I just wanted to qualify that a primary caregiver can treat up to two qualifying patients and they are not required to register if the patients are members of the family. So I believe, in the Representative from Eliot's, Representative Beaver's case, that mother could grow for her child at home, because the child is a member of the family of that primary caregiver. And there can be two members of the family. I wanted to make that qualification. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Dion.

Representative **DION**: Thank you, Mr. Speaker, and I apologize to the Members of the body for rising a second time, but it appears that I may have been confused in my expressions earlier in the testimony here. But I just want to clarify that I will be supporting in favor of the pending motion. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 283

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Black, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, O'Connor, Peterson, Pierce J, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Sherman, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Bickford, Blume, Buckland, Campbell J, Campbell R, Chace, Cooper, Corey, Crafts, Dillingham, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grant, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Hubbell, Hymanson, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Mastraccio, McClellan, McElwee, Nutting, Parry, Picchiotti, Pickett, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault,

Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wallace, Ward, White, Winsor, Wood.

ABSENT - Marean, Wadsworth.

Yes, 79; No, 70; Absent, 2; Excused, 0.

79 having voted in the affirmative and 70 voted in the negative, with 2 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

---

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-442)** on Bill "An Act To Create the Put ME To Work Program" (H.P. 932) (L.D. 1373)

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast

BATES of Westbrook

CAMPBELL of Newfield

FECTEAU of Biddeford

GILBERT of Jay

MASTRACCIO of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-443)** on same Bill.

Signed:

Senators:

VOLK of Cumberland

CUSHING of Penobscot

Representatives:

AUSTIN of Gray

LOCKMAN of Amherst

STETKIS of Canaan

WARD of Dedham

#### READ.

On motion of Representative HERBIG of Belfast, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

#### CONSENT CALENDAR

##### First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 740) (L.D. 1080) Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2016 and June 30, 2017" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-457)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

(H.P. 759) (L.D. 1099) Bill "An Act To Establish a Fund for the Operations and Outreach Activities of the University of Maine Cooperative Extension Animal and Plant Disease and Insect Control Laboratory" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-458)**

On motion of Representative ESPLING of New Gloucester, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

The following items were taken up out of order by unanimous consent:

#### UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-179)** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Improve Snowmobiling in Maine"

(H.P. 725) (L.D. 1056)

**TABLED** - May 21, 2015 (Till Later Today) by Representative GOODE of Bangor.

**PENDING - ACCEPTANCE OF COMMITTEE REPORT.**

Representative SHAW of Standish moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House, this bill isn't needed anymore. We fixed the problem with the Tax Committee's Omnibus bill. You'll remember, I had the floor amendment to fix this issue, and this would be a conflict with that. So, I hope we all accept the Indefinite Postponement motion. Thank you.

Subsequently, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-334)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish the Forensic Treatment Fund To Establish a Behavioral Assessment and Safety Evaluation Unit"

(H.P. 974) (L.D. 1428)

**TABLED** - June 9, 2015 (Till Later Today) by Representative MARTIN of Eagle Lake.

**PENDING** - Motion of Representative GATTINE of Westbrook to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Subsequently, Representative GATTINE of Westbrook moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **HEALTH AND HUMAN SERVICES**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Commit the Bill and all accompanying papers to the Committee on Health and Human Services. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 284

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Long, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Sherman, Short, Stanley, Stuckey, Sukeforth, Tepler, Timmons, Tipping-Spitz, Tucker, Verow, Warren, Welsh.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell J, Campbell R, Chace, Chenette, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Lyford, Maker, Malaby, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Dion, Marean, Mr. Speaker.

Yes, 82; No, 66; Absent, 3; Excused, 0.

82 having voted in the affirmative and 66 voted in the negative, with 3 being absent, and accordingly the Bill and all accompanying papers were **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-420)** - Minority (6) **Ought to Pass as Amended by Committee Amendment "B" (H-421)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reward Work Performed by Welfare Recipients"

(H.P. 951) (L.D. 1402)

**TABLED** - June 16, 2015 (Till Later Today) by Representative GATTINE of Westbrook.

**PENDING** - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Subsequently, on motion of Representative GATTINE of Westbrook, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

#### COMMUNICATIONS

The Following Communication: (S.C. 456)

**MAINE SENATE  
127TH LEGISLATURE  
OFFICE OF THE SECRETARY**

June 16, 2015

2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised the Senate today adhered to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Judiciary on Bill "An Act To Prohibit Discrimination by Employers and Protect the Privacy of an Applicant for Employment, an Employee or an Employee's Dependents Regarding Reproductive Health Decisions" (H.P. 698) (L.D. 1003), in non-concurrence.

Please be advised the Senate today adhered to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Agriculture, Conservation and Forestry on Bill "An Act To Allow the Sale of Unregulated Farm-produced Dairy Products at the Site of Production" (H.P. 206) (L.D. 312), in non-concurrence.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

## ENACTORS

### Acts

An Act To Help Stabilize Homeless Shelters and Shelters for Victims of Human Trafficking in Maine

(S.P. 172) (L.D. 443)

(C. "A" S-273)

An Act To Correct and Clarify Maine's Fish and Wildlife Laws

(S.P. 423) (L.D. 1196)

(C. "A" S-267)

An Act To Promote Food Self-sufficiency for the People of the State

(H.P. 877) (L.D. 1291)

(C. "A" H-447)

An Act To Strengthen Maine's Fisheries Laws

(S.P. 525) (L.D. 1410)

(C. "A" S-265)

An Act To Consolidate the Investigation of Out-of-home Child Abuse and Neglect

(H.P. 977) (L.D. 1432)

(C. "A" H-453)

An Act To Establish a Secure Internet-based Background Check Center for Providers of Long-term Care, Child Care and In-home and Community-based Services

(S.P. 541) (L.D. 1439)

(C. "A" S-274)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

### Resolves

Resolve, To Create a Working Group To Develop Solutions To Meet the Needs for Municipal Volunteer Personnel

(H.P. 339) (L.D. 500)

(H. "A" H-418 to C. "A" H-376)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

## Emergency Measure

An Act To Strengthen the Protections for Senior Citizens in the State

(S.P. 454) (L.D. 1272)

(C. "A" S-277)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 137 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

## Acts

An Act To Establish the Summer Success Program Fund

(H.P. 286) (L.D. 419)

(C. "A" H-450)

An Act To Provide Reasonable Accommodations for School Attendance for Children Certified for the Medical Use of Marijuana

(H.P. 381) (L.D. 557)

(S. "A" S-148 to C. "A" H-207)

An Act To Promote Privacy in Social Media

(H.P. 467) (L.D. 686)

(C. "A" H-440)

An Act To Clarify Who May Authorize Repairs in a Burying Ground

(S.P. 307) (L.D. 862)

(C. "A" S-285)

An Act To Amend the Laws Governing the Filing of Wage Statements and Other Laws under the Maine Workers' Compensation Act of 1992

(S.P. 391) (L.D. 1119)

(C. "A" S-286)

An Act To Establish a Local Food Producers and Processors to Consumers Pilot Program

(S.P. 506) (L.D. 1376)

(C. "A" S-284)

An Act To Amend the Tax Laws

(S.P. 526) (L.D. 1411)

(H. "A" H-452 to C. "A" S-241)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

## Resolves

Resolve, Directing the Secretary of State, Maine State Library and Law and Legislative Reference Library To Make the Articles of Separation of Maine from Massachusetts More Prominently Available to Educators and the Inquiring Public

(H.P. 612) (L.D. 893)

(C. "A" H-414; H. "A" H-434)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.



**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act To Allow Grocery Stores under 10,000 Square Feet To Be Open on Sundays"

(H.P. 589) (L.D. 855)

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** in the House on June 15, 2015.

Came from the Senate with the Majority (7) **OUGHT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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**CONSENT CALENDAR**  
**First Day**

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(S.P. 216) (L.D. 623) Bill "An Act To Expand Maine's Carbon Monoxide Detectors Law" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-290)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

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**REPORTS OF COMMITTEE**  
**Divided Report**

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-282)** on Bill "An Act To Restructure the Permitting Process for Wildlife and Exotic Species in Captivity"

(S.P. 501) (L.D. 1369)

Signed:

Senators:

DAVIS of Piscataquis  
DUTREMBLE of York

Representatives:

SHAW of Standish  
ALLEY of Beals  
COREY of Windham  
CRAFTS of Lisbon  
HILLIARD of Belgrade  
LYFORD of Eddington  
MARTIN of Sinclair  
REED of Carmel  
SHORT of Pittsfield  
WOOD of Greene

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-283)** on same Bill.

Signed:

Senator:

CYRWAY of Kennebec

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-282)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-282)**.

**READ.**

On motion of Representative SHAW of Standish, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-282)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-282)** in concurrence.

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**SENATE PAPERS**  
**Non-Concurrent Matter**

Joint Order Establishing a Work Group To Plan the Transition to Funding Fifty-five Percent of Education Costs and One Hundred Percent of Special Education Costs as Mandated by the Voters at Referendum

(S.P. 529)

**READ** and **PASSED** in the House on June 16, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Joint Order was **READ** and **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-208) AS AMENDED BY SENATE AMENDMENT "B" (S-246)** thereto in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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**REPORTS OF COMMITTEE**  
**Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-291)** on Resolve, Reauthorizing the Balance of the 2009 Bond Issue for an Offshore Wind Energy Demonstration Project (EMERGENCY)

(S.P. 546) (L.D. 1445)

Signed:

Senators:

HAMPER of Oxford  
KATZ of Kennebec  
VALENTINO of York

Representatives:

ROTUNDO of Lewiston  
FREY of Bangor  
GRANT of Gardiner  
JORGENSEN of Portland  
MARTIN of Eagle Lake

NUTTING of Oakland  
SANBORN of Gorham  
TIMBERLAKE of Turner  
WINSOR of Norway

Minority Report of the same Committee reporting **Ought Not to Pass** on same Resolve.

Signed:

Representative:

SIROCKI of Scarborough

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-291)**.

**READ.**

On motion of Representative GIDEON of Freeport, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-291)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Resolve was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-291)** in concurrence.

#### SENATE PAPERS

##### Non-Concurrent Matter

Bill "An Act To Improve Snowmobiling in Maine"

(H.P. 725) (L.D. 1056)

Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **INLAND FISHERIES AND WILDLIFE** **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on June 17, 2015.

Came from the Senate with the Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **INLAND FISHERIES AND WILDLIFE** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-179)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

#### UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-446)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Better Serve the Seasonal Tourist Market during the 2015 Summer Season and Early Autumn with a Pilot Program To Extend the Authorized Hours during Which Liquor May Be Served" (EMERGENCY)

(H.P. 980) (L.D. 1436)

TABLED - June 16, 2015 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - Motion of Representative LUCHINI of Ellsworth to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Subsequently, Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wales, Representative Greenwood.

Representative **GREENWOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the current motion. LD 1436 is a pro-growth, pro-business, and pro-tourism bill. The Minority Amendment addresses the concerns that the people had at the public hearing. It takes Maine from being a national outlier toward being more competitive from now until Columbus Day, when Maine has most of its tourists.

Doing this as a pilot would allow Maine to either prove the concept or answer the concerns that are being raised. New Hampshire has just changed their hours from one a.m. 'til two. The greatest source of overnight tourists during the summer months are from Massachusetts, which permits establishments to stay open until two a.m. The bill is not suggesting that the reason people visit Maine is to come for alcohol. It's merely trying to ensure the people who visit Maine in the summer aren't given a reason not to return.

One of the objections we hear about tourist surveys is that Maine night life does not meet their expectations. We can make a dent in this by trying something new. We have an opportunity to let establishments and restaurants in our state better serve tourists, and if they choose to open the additional hour, make more money for the folks in our state.

At the public hearing, one of the main concerns was raised was that municipalities may not want to permit bars to sell until two a.m. The amendment included in the Minority Report creates a local option and makes it easy for municipalities to opt out. Cities or towns that don't want noise or difficulty can easily opt out. Local police worried about how they would need to adjust shifts can easily opt out. There is no evidence that an additional hour of service will impact public safety. As a matter of fact, the state police testified in favor of the bill and said they had no concerns. Regardless of when alcohol stops being served, the responsibility still lies and remains with the patron themselves and the establishment owners to effectively police the consumption of alcohol and their conduct when they leave the establishment.

Ninety percent of US states have later hours than Maine. If other states have found a way to manage public safety in this extra hour, Maine can as well. The chiefs of police who testified at the public hearing said that including a local option would address many of their concerns. The Minority Amendment does just that.

The SPEAKER PRO TEM: The Member will defer. The Chair will remind all Members that what's before us is the Majority Ought Not to Pass Report. It is improper to speak about the Minority Report at this time.

The Chair reminded all Members to confine their debate to the question before the House.

The SPEAKER PRO TEM: The Member may proceed.

Representative **GREENWOOD**: Thank you. Again, Mr. Speaker, Ladies and Gentlemen of the House, I would encourage you to vote down the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in support of the Majority of 12 of the VLA Committee on the Ought Not to Pass Motion. I just want to clarify what this bill does. This bill will make a change to state law so that bars will stay open until 2 a.m. This has a sunset, which ends at Columbus Day.

There were many particularly problematic elements of this bill that the Majority Ought Not to Pass part of the committee felt was enough to not do that this year. First of all is that it has a provision in it stating that this law will trump any local ordinance or option to the contrary. I think that's a very important part to note, that this bill would trump any local option. None of us on the Majority wanted to mandate that our towns keep their bars open later than they wanted.

And to the comments that were just made: even if an opt out option were available and it was something that we considered, this bill was dropped so late in the session, that municipalities simply can't respond to the legislation in time. In fact, because this bill is deemed an Emergency, this could become law as soon as the end of this week. The municipalities would have to opt out of this, which could take weeks or months for them to meet, do a public hearing, and it would ultimately be very problematic. So, first of all, just for being able to let people have input, but also having their police departments, they'd have to potentially hire overtime, which we heard in the public hearing, because their shifts would likely have to change to two a.m. starting, you know, as soon as next week.

That was part of the reason why the Maine Chiefs of Police came out in strong opposition to this bill. Other elements being that it simply pushes the rush of crime that happens at closing time one hour later, whether it's the fights, the vandalism, or the potential to increase the amount of drunk driving that would happen as people can consume more later into the evening.

So, because of the lateness of this bill, we weren't able to give it a full public notice and get input from people. We had zero bar owners come in and testify in support of this bill. Zero. But we heard from the Maine Municipal Association. We heard from the Town of Old Orchard Beach. They said that this summer is just too soon for them to respond to this law change. People are open to the idea for next year. Committee members thought next year could be a good option, but this year is just too soon. And certainly, the Majority Ought Not to Pass did not feel that extending the available hours for drinking at bars was something that qualified as an emergency. So, I urge your support of the Majority Ought Not to Pass.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Foley.

Representative **FOLEY**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **FOLEY**: Mr. Speaker, could somebody please answer the question if the committee vote was taken before or after the amendment was put on the bill? Thank you very much.

The SPEAKER PRO TEM: The Representative from Wells, Representative Foley, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker, the committee took a vote. The one report that was the Ought to Pass as Amended person was actually absent at the time and submitted that amendment later, I think, later in the day.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you, Mr. Speaker, as a Representative of Old Orchard Beach, I can tell you from my personal observation, you don't want to add a minute to what already exists. Extending this another hour is just asking for all kinds of trouble. I've talked with my police chief. He's just sick

that something like this may happen. Please don't let this happen.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, how can we sit here and deny business, legal business, a little extension to serve alcohol during the season? And then this morning we can sit here and want to legalize dope?

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 285

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Cooper, Crafts, Daughtry, Davitt, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Golden, Goode, Grant, Grohman, Guerin, Hamann, Harlow, Herbig, Herrick, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Morrison, Nadeau, Noon, Pierce J, Pierce T, Powers, Rotundo, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Wallace, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Black, Buckland, Campbell J, Campbell R, Chace, Chipman, Corey, DeChant, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Gerrish, Ginzler, Greenwood, Hanington, Hanley, Hawke, Head, Higgins, Hilliard, Hobart, Hobbins, Kinney M, Lockman, Long, Lyford, Malaby, McClellan, McElwee, Moonen, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pouliot, Prescott, Reed, Russell, Sanderson, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Timberlake, Timmons, Turner, Vachon, Wadsworth, Ward, White, Winsor, Wood.

ABSENT - Marean, Sawicki, Theriault.

Yes, 86; No, 62; Absent, 3; Excused, 0.

86 having voted in the affirmative and 62 voted in the negative, with 3 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

SENATE DIVIDED REPORT - Report "A" (5) **Ought to Pass as Amended by Committee Amendment "A" (S-268)** - Report "B" (5) **Ought Not to Pass** - Report "C" (3) **Ought to Pass as Amended by Committee Amendment "B" (S-269)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Reduce the Penalties for Certain Drug Offenses"

(S.P. 46) (L.D. 113)

- In Senate, Report "C" **OUGHT TO PASS AS AMENDED READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-269)**.

TABLED - June 16, 2015 (Till Later Today) by Representative FOWLE of Vassalboro.

PENDING - Motion of same Representative to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED**.

Subsequently, Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Thank you, Mr. Speaker. I stand in support of the motion in front of you, the Ought to Pass as Amended Report "A." I want to thank the people that came to testify on this bill. We heard from a lot of members in this chamber that I highly respect from both sides of the aisle on an issue that I know some people take very personally.

There was talk about people that are being convicted their first time, young adults, veterans, of possession of a Schedule W drug. And what this amendment does, it doesn't go quite as far as what the bill that they testified on does. Having the people that came to testify in front of me made it hard for me to try to come to a point of where I could say, "Ought to Pass," and reached a point where I thought was a compromise, that I thought that we should be, the Committee of Criminal Justice and Public Safety need to enter the decision on this bill, which takes felons and makes it so they're not felons when they're in possession of these crimes.

And I've heard people testify that we're losing the battle, the war on drugs. We're losing it. While I sat there and thought, "How could this be how you win the battle on war on drugs, when you take it so someone, it may be the first time they're caught with these drugs, and you're making it so it's not a felony; so that you're lessening the crime. And we're talking drugs like heroin, cocaine, and many other very serious drugs.

The Report in front of you is a compromise and it was something that came to us from someone who testified and often I speak to the chamber here about CLAC, who is our advisee group that comes to us and advises our committee on laws, and every bill we have in front of us they bring us in a report and it's made up of judges, it's made up of prosecutors, and it's made up of defense attorneys. And I recognize that there is a problem. There's a problem with drugs, there's a problem with treatment, there's a problem with felons going to jail. But I think we need to take a cautious approach and I think that the report that's in front of you is not a report that says, "No, we're not changing anything," it's a report that's asking you to take a careful step forward, to give this some consideration.

It isn't something that we can't look at again and make more changes down the road like we do on many laws in this chamber. But to go from one extreme to another, I thought was a little bit too much. And I think the members on this report, which is a bipartisan report, would feel the same. And, you know, I do, I do feel for that first-time young 22-year-old that gets caught with marijuana—not marijuana, excuse me—with heroin or cocaine. I feel for them. I feel for the veterans that have dealt with issues that have led them down a road that they would've never gone. I feel for that.

But I caution this chamber in taking such a broad step and sweeping a law to one extreme instead of taking it in chunks. I think that is what I'm asking this chamber to do. I appreciate the members that are on the report with me. I appreciate the members that are on the other reports. We gave this a lot of thought, a lot of work, a lot of time, as we do many bills in our committee. And yes, we are the committee of criminal justice and public safety.

The other thing this bill does is in our work, we talk about a number of issues around drugs. We talk about needing more drug agents. We talk about treatment. We talk about a lot of things. But we also talked about a new drug that's been making its way into the state. And that is added to the list of drugs in this bill. It's a processed drug. It's a drug that's made. It's Fentanyl. It's something that's new to the state and when we were talking

about it, we put it forward in this bill, finding its importance. It was referred to us in our committee as similar to the bath salts.

So, I want you to give a good thought when you push that button whether you think we should say "no," whether we should go all the way as this bill originally did, or have a compromise. Take a step in a direction that's understanding that there is a problem, but not going extreme to the level that this bill would have taken you. So I ask for your support on this motion on Amendment "A" and I hope that you will push a green button on this. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House, this gets more confusing and more confusing for me every minute I spend in this chamber. The first eight or nine years I was up here it was quite different than what this past year has been.

I get these put on our desks. "If we as a society believe that it is wrong for people to use drugs, then we should provide tools for them to treat their addiction." Of course this is by Daniel Wathen, former Supreme Court Justice who I worked with and was thrilled to work with him when I was on Health and Human Services for eight years. But if the flyers handed out by a person that this morning was supporting marijuana. And now, we're into Oxycodone and that, and let's not make it a felony, let's give them a slap on the hand and move on.

A week ago was Mercy Hospital was closing its door for the addicts so the taxpayers should pick up the bill and open up something else. This has got my head going around and around in circles and when I go home, they say, "What are you whackos doing up there?" At one time you're telling me how bad cigarettes were. Now you want to legalize, and I mean, this morning was not about just marijuana, it was about medical marijuana. We have more bills coming so they can lay in a hammock, drink cheap vodka, and smoke dope when you're 21. That's coming. But up to now, I'm totally confused, Mr. Speaker, how these people can sit and want to legalize drugs, and then turn around another bill to slap them in the hand and then another bill to take care of them. Please tell me what's wrong with me, or is it them, or is it me? Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Mr. Speaker, thank you. I would concur with that last statement that was made. I think one of the big problems we have in the war on drugs, is we've lost our will to fight. And that is what we're seeing here play out, whether it's marijuana or heroin or Oxycodone or whatever drug you want to list, in whatever bill you want to list.

The fact of it is, we're losing our will to fight and as soon as we come to grips with that fact, we better just come to grips with it now because that's where we are. I know I haven't lost my will to fight and that's why I'm going to be definitely voting this down, because it's sending a wrong message to society. I grew up in the '80's in the time when the message, a simple message, via former President Reagan and his wife was, "Just say no." And I realize there's more to that and I realize we need to educate and help people.

But at the same time, that simple message has been lost, whether it's on marijuana or heroin, or what have you. That simple message has been lost. We're losing it with bills like this. So, on that note, I echo the Representative from Newfield's comments and I will say that he is not alone. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, the question was just asked: why we're not fighting. But I think there's a different question. And that is: what are we fighting? Are we fighting addiction, or are we fighting morality? If we're fighting morality, it means that we're judging people for consuming a product. I can't help you if that's your point. But if we're fighting addiction, then we're fighting it in the wrong way.

Having never gone through psychosis, I can't imagine how terrible of an event that would be. But I don't believe that we would treat people who are going through psychosis in the same manner that we would treat someone who was strung out on heroin. We would treat psychosis as a health issue. And we've heard stories, today and other days, about the impact that addiction has on families in this state. But addiction is a health issue. It is a neurophysiological reaction. It is something that happens in your brain. Psychosis also happens in your brain. Schizophrenia happens in your brain. Alzheimer's and dementia happen in your brain. But we treat them with a lot more respect than we do the issue of addiction.

This bill, if we overturn the motion, would allow us an opportunity to continue to start to wane down on the criminalization of addiction. We don't put someone who's in psychosis in jail because the decision-making paradigm of someone who is in the middle of psychosis, we recognize as a society is not good. They're not making good decisions because they can't. The idea of a criminal versus a civil offense is the last thing on someone's mind when they are looking for their next fix.

Criminalization is not the answer. Healthcare is. For those of us that are advocating for some form of responsible drug reform, it's not because we're giving up on addiction. We just recognize that there's a better way to address it. We can judge people. We can continue to judge people, or we can provide health services. Addiction happens irrespective of whether there's a criminal penalty or not. Yes, we should go after the folks that are pedaling this. Nobody disagrees with that. But what we need to do is to make sure that those folks who are consuming it are not then put into the criminal justice system.

The last thing that I would say is that we've talked a lot about marijuana, which was not my expectation this morning or this afternoon, but we're acting as though these two things are corollary. And I get in the big picture they are but, marijuana is currently a Schedule 1 drug in Congress as in the federal statute. What's unique: we think of cocaine as a harder drug than marijuana. You talk about the gateway drug, you think you're going from marijuana to cocaine or what have you. But in fact, cocaine is a Schedule 2 drug. I didn't make that rule up. I didn't make that law. I thoroughly disagree with it, but that's the reality.

So, the current penalties under our laws for marijuana, which is a Schedule 1 drug, are civil by and large, up to a certain point. We have actually gone through the trouble of decriminalizing it. In fact, we did it back in the '70's. That is a Schedule 1 drug. What we're talking about is a Schedule 2 drug, which is lower on the food chain according to Congress. So, what we're trying to do is to move away from the criminalization of drug policy so that we can get to the heart of the issue, which I hope is what we all care about, which is the word "addiction."

Addiction is the war that we should be fighting. And addiction comes in many categories. Continuing the criminalization of people who are facing addiction, dealing with addiction, is not the answer. As such, I request that you follow my light, vote down the current motion so that we can get to a report that actually moves us, not away from fighting the issues that we care about, but toward actually fighting and winning the real war, again, which is not, nor should it be, the war on drugs, it is the war on

addiction. That's the war we should be fighting. And that's the war I hope that we can continue to fight and really fight effectively if we vote down the pending motion. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion. And my concern is to stand up for our veterans. In a recent study, nearly one million veterans are presently taking prescription medication.

We're talking about young people who were raised here in Maine throughout these towns, graduated from our high schools, joined our military service, served proudly, were injured, returned home. Some of them spend months in Bethesda. They've come home and they're in the Veteran's Administration and they are provided with medication. And prescriptions do, eventually, expire. And they are now off of their medication, but they're still finding it and they're still taking it.

These are people that grew up that loved to hunt and fish in our state. And as I think of these people, and I think about what is happening here presently to these people, that under this report, it's my understanding that if they are found with even one pill on them and they don't have a prescription, then they could be convicted of a felony. Now, I could be wrong here, but if they are convicted of a felony, then it's in my opinion that they are no longer certainly going to be allowed to legally hunt in this state, or for that matter in any state. And, it's not a wonder that these people decide, once they're convicted of a felon, that they might as well just go ahead and commit suicide because that's the way they feel. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Lewiston, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise in opposition to the pending motion on LD 113. And the opposition to the pending motion is in favor of, well, I won't say. But I do feel that it's important to realize that this is an illness. On a first conviction, for these nonviolent, ill people, it is important I think that they have the opportunity for treatment, rehabilitation, and reintegration into society.

When we institutionalize somebody, whether it be in a prison or other types of institutionalization, a culture is learned and the sense of hopelessness does set in. I was fortunate when I was young to get the opportunity to go to Bates College for a class and it was a class, I don't remember exactly the title of the class, but we did have a book about the rich getting richer and the poor getting prison. And addiction does cut across socioeconomic boundaries, and I'm not suggesting that it doesn't, but all too often people of lesser means end up in our prison system and they come out with felony convictions. They aren't able to get housing. They aren't able to get employment. And, they face a life of constant discrimination. I would urge fellow legislators to consider the "liberty and justice for all" pledge that we take every morning, and to consider moving in the direction of rehabilitation.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Saco, Representative Chenette.

Representative **CHENETTE**: Thank you, Mr. Speaker Pro Tem, the current system isn't working. I support alternative ways to address the war on drugs. Let me just give you a little personal little tidbit. My mother is a licensed drug counselor, has run multiple drug treatment facilities, and continues to serve as a delegate on the American Association of Treatment for Opioid Dependents. So I care about treatment over enforcement.

Don't tell me I'm judging people or I'm speaking for law enforcement or that I'm continuing the war on drugs. Our job on

the Criminal Justice and Public Safety Committee is to develop a responsible approach in dealing with issues like this. Report "A" before us is a progressive and responsible step forward and is the only report that is bipartisan, and includes a majority of our Democratic caucus. Here's what it actually does: It removes two high-level drugs from the list of felony baseline offenses—Hydrocodone and Hydromorphone, which is supported by the Director of the Maine Drug Enforcement Agency. According to our Attorney General, we have on average one overdose a day in our state from heroin, and with the inclusion of Fentanyl it's become a crisis. We've made that change in this statute to address this growing crisis. Less than seven grams of cocaine and less than two grams of cocaine base would not be a felony if this report goes through. For Oxycodone, we've ensured that those with just a few pills, totaling no more than 30 milligrams, would be removed from a felony-level crime. Which is trying to protect individuals grappling with addiction and needs treatment, not jail time.

Setting aside the title or any misconceptions you may have heard, this report will promote treatment for addicts and alternative sentencing options for judges, as opposed to felony convictions. If you believe the war on drugs isn't working, vote "yes." If you want a sound, reasonable, progressive and incremental approach to address a crisis that has hit our state hard, Mr. Speaker, vote "yes."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **DEVIN**: Thank you very much. Mr. Speaker, does this amendment have a fiscal note associated with it? Thank you.

The SPEAKER PRO TEM: The Representative from Newcastle, Representative Devin, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: It has a current biennial savings and a minor revenue decrease. I'm sorry, that's the wrong report. I'd have to look up the other report, and I don't have it right at my fingertips. So, there we go, current biennial cost increase it would be in the General Funds.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Dion.

Representative **DION**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I want to reserve my comments for the pending motion and I rise to declare my opposition. But I find that this is instructive about how law is made by this body and the other chamber.

I was one of the cosponsors of this initiative. When we submitted it, it was entitled, "An Act To Reduce the Penalties for Certain Drug Offenses." And today, it stands before us, "An Act Regarding Class C Crimes." I know that's not consistent what's on the board, but that's what's consistent in the record as it stands. We saw it serve modifications of the code, and instead we got an additional felony. We sought to reduce crime, cost, instead we have a projected increase and expenditures. Doesn't seem like we're winning any war by any means.

And that's been the problem. For 32 years in the field, I've asked that question: "What does winning look like when all we are confronted with is a cycle of behavior that's endemic of a public health crisis and not of some infantry maneuver where we

can plant the flag and at least be relieved that we've captured something for our effort.

So, I will yield to the Chair and simply ask my colleagues that if we really want to discuss the possibility of addressing addiction, holding people accountable for their criminal conduct and ensuring that the court can intervene with appropriate mental and biological health care, then I'll reserve and hold for other comments when we discuss some other report. But on this report, I simply say I oppose and I hope for your support on that. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. I recognize the hard work that was done on the Criminal Justice Committee and I thank them for their patience and their amazing amount of work on this. But I do rise in opposition.

The amounts contained within this report are arbitrary. We've heard from folks that 30 milligrams could range from anywhere from half a pill to three-quarters of a pill to five pills. In my own opinion, that's a very, very wide range for a law enforcement officer to be dealing with. But really, I rise in opposition to this because I think this is a social justice issue. We're destroying lives with our war on drugs. We aren't focusing on what we really need to be doing, which is treating the cause. But most importantly, we need to think about sometimes how this is a first offense we're discussing and what happens when someone has a first offense and they have a felony charge and their life completely unravels.

Specifically, I want to talk about how this affects women. Most women in prison are committed for low-level drug crimes. Six in ten women in federal prison are there for nonviolent drug crimes. And nationwide, when we think about people in jail, we think of the worst violent offenders. But really, for every one woman who has committed a murder, there are over 99 who are locked up for drugs. Most women who are incarcerated have children. What happens to the children if by accident they had more than five pills or 30 milligrams, didn't realize it, and were locked up for a felony? Sometimes they haven't even possessed a drug. We've heard nationwide sometimes what will happen if someone has been trafficking drugs, they will name someone else as a conspirator and that person can be locked up without having been a part of the entire drug ring.

So, really, this report that's before us is a good start. But considering the fact to the 30 milligrams is an arbitrary number, in my own opinion, and that I don't think this report goes far enough, I urge you to oppose the pending motion and follow my light.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of Report "A" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 286

YEA - Babbidge, Bates, Chenette, Davitt, DeChant, Doore, Foley, Fowle, Gattine, Gerrish, Goode, Hawke, Herbig, Hubbell, Kornfield, Lajoie, Martin R, McCreight, Noon, Pouliot, Sirocki, Tepler.

NAY - Alley, Austin, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chipman, Cooper, Corey, Crafts, Daughtry, Devin, Dillingham, Dion, Duchesne, Dunphy L, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Fredette, Frey, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Head, Hickman, Higgins,

Hilliard, Hobart, Hobbins, Hogan, Hymanson, Jorgensen, Kinney J, Kinney M, Kruger, Kumiega, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Martin J, Mastraccio, McCabe, McClellan, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Seavey, Sherman, Short, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wallace, Ward, Warren, Welsh, White, Wood.

ABSENT - Herrick, Marean, Sawicki, Shaw, Wadsworth, Winsor, Mr. Speaker.

Yes, 22; No, 122; Absent, 7; Excused, 0.

22 having voted in the affirmative and 122 voted in the negative, with 7 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **NOT ACCEPTED**.

Subsequently, Representative FOWLE of Vassalboro moved that the House **ACCEPT** Report "C" **Ought to Pass as Amended**.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: I, Mr. Speaker, will be voting against this motion and I ask for a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** Report "C" **Ought to Pass as Amended**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, drug policy is increasingly a veteran's issue. Opiate addiction rates among veterans are on the rise, in large part due to increased use of prescription opiates for pain management and an increase in combat troops suffering from PTSD.

Between 2001 and 2009 pain prescriptions from military physicians quadrupled to nearly four million. The Army Surgeon General reported in 2010 that more than 76,000 soldiers, nearly 14 percent of the force, were prescribed some form of opiate drug. Of those, 95 percent were taking Oxycodone. We heard earlier that people were giving up on the war on drugs. Well, I will say to you that these are young men and women who didn't give up on any war. They went and served for this country in other countries and they came back, and they came back broken—physically and mentally. And mistakenly, the VA thought that the opiate drugs were the answer.

And it happened in the civilian side. This state has one of the highest addiction rates of opiate drugs in the country. Why? Because at one point, we thought that was the answer to pain management. We now realize what we have is a bunch of people that are addicted to opiates. And we've made those opiates harder to get, which is a good thing. But what's happened with that? An opiate is nothing more than synthetic heroin, so guess what's on the rise, people? Heroin usage. Shouldn't surprise anyone.

Now, the vast majority of people, whether a veteran or they're a civilian, never started out to become an addict. And certainly, there are very, very few veterans that woke up one day and said, "You know what? I've been shot at for the last three months. I think I'm going to start snorting pills." Or, "You know what? I've lost my leg. I think I'm going to start snorting pills." It doesn't happen that way, Ladies and Gentlemen. What happens is they get prescribed these pills and the next thing you know, they're addicted.

My mother-in-law, who passed away about two years ago, twice in the last three years of her life she fell and broke her hip. She was prescribed Vicodin. At the end of her life she was addicted to Vicodin and waited very anxiously every four hours of the day to get that Vicodin. My wife and her brother, my brother-in-law, made a decision not to fight that Vicodin addiction because she was an elderly woman and she was in the final phase of her life.

I'd like to talk about this amendment here for a bit. First of all, it's for the first offense only. It will cover any schedule drug, but it's only for the first offense. Also, if there's any sort of aggravating factor, such as the addict is found in a school zone or carrying a firearm or travelling with children in a car, it automatically becomes a felony. I also want you to know that each schedule drug has its own threshold for the automatic charge of trafficking. For instance, heroin is two grams.

Ladies and Gentlemen, I hope that you will stand with us and support Amendment "C" so that we can get people who need help for their addiction assistance. And I also want to tell you one more thing about veterans. If they get a felony and they've got an addiction, they got an addiction because they served for us overseas, they come back here and they get a felony as a result of that addiction. They're going to lose their VA benefits. They're also going to lose their ability to get a decent job. We have to look out for these people. Please, by all means, vote green. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Naples, Representative Powers.

Representative **POWERS**: Thank you, Mr. Speaker. Pro Temp, Men and Women of the House, I rise in support of the pending motion and am grateful to have the opportunity to speak to that motion. Some people take this issue very personally because to a rapidly increasing number of us, this issue is painfully personal.

I have far more to say regarding the epidemic of addiction that is raging through this state than I wish to. One of the biggest challenges we face today is that we are treating this epidemic, this serious health issue of addiction, with criminalization. This motion will help to address that. Lives are destroyed at so many levels because of this epidemic. My nephew has spent the last decade in and out of jails because of this epidemic. He is in jail right now and it all began with simple possession and then a failure to become employed because of that simple possession that made him a felon. His family has been powerless to save him from this disease and it's my hope that I can make a small difference in someone else's life in the future by voting in support of this motion. Please help me to make that difference by supporting this amendment. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Battle.

Representative **BATTLE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in favor of this bill for Report "C." To the Representative earlier who had a comment about how we were doing on the war on drugs, and I'm going to tell you straight out as a veteran police officer, as a veteran in the United States Armed Forces, as a resident of the State of Maine: We lost. It's everywhere. I guarantee you I could take you for a ride in my car, we'll go five minutes, I'll show you at least three people that are high.

The drugs are quite prevalent. We're trying to grab them, lock them up. In a fully marked police vehicle, in full uniform, I had no problem driving around sometimes pulling up to people and finding them in the possession of and in the use of various narcotics. I, too, am also a veteran. I have the paperwork to prove it. I'm a disabled veteran. Oxycodone, OxyContin,

Tramadol, Hydromorphone, Cyclobenzaprine—these are all prescriptions that the VA had no problem giving me by the handful. I, personally, am scared to death of them. I do have the pills and I try my best to stay away from them because I'm scared of getting addicted to them because I have seen some very good people throughout our community end up with addictions.

The biggest thing we need to do now, I really believe, is to educate; not incarcerate. And on the paperwork that I have, one of the options, it directs the courts to consider treatment where appropriate. Educate. Not incarcerate would be our best avenue at this point. And we're not talking about the repeat offenders, from what I understand from reading this. We're talking about the first time offense. And I've given it some serious thought and I really think this is the way we need to go. We have to try something different because what we have right now, I'm telling you from my experience, is not totally working. We have to at least try something different. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Nadeau.

Representative **NADEAU**: Thank you, Mr. Speaker, sometimes it's easy to put things into simple cubbyholes. John Smith is "tough on crime." Sally Jones is "soft on crime." So what is this bill? I would suggest that this is a bill that is smart on crime.

We can all agree that there are times to be tough. People who repeatedly traffic in the sale of illegal drugs to our children and our neighbors ought to be locked up and throw away the key. This bill is not about them. It is about regular people who have become addicted to opiates and are caught in a simple possession—the woman who goes to surgery and gets hooked on the pain medication that her doctor gives her. Should she be a felon? The veteran who has had his leg blown off in Afghanistan and then comes back to Maine addicted to pain killers. Should he be a felon? The veteran who comes home from war with PTSD, self-medicates to dull the psychological pain, and becomes addicted. Should he be a felon?

I am not suggesting we let people off the hook. By illegally possessing drugs, they are breaking the law. On the other hand, I hope we can agree that the criminal justice system should not be essentially ruining their lives forever. Maine has fallen behind the times. Maine's drug laws are exceptionally harsh, even by United States standards. The federal law mandates a maximum sentence of one year for possession of scheduled drugs, and only civil penalties for possession of heroin, cocaine, methamphetamine below certain thresholds.

The result is that, with one of the highest opiate addiction rates in the country, we are making felons out of Mainers suffering from the disease of addiction. While a conviction might result in jail time of only a few weeks, a few months, a felony is a gift that keeps on giving, and for the rest of someone's life. In some ways, being a convicted felon is a life sentence. A felony conviction is devastating for anyone trying to get out from underneath addiction, especially veterans and women. What is the first question that you see on a job application? "Have you ever been convicted of a felony?" Good luck getting a decent job.

HUD prohibits anyone with a felony from living in public housing. Private landlords often disqualify people on the basis of a felony. Anyone with a drug conviction is barred from receiving federal student aid. Universities, including our own systems, require disclosure of felonies on applications. Active service members can be dishonorably discharged or be less than honorably discharged as a result of a felony conviction and be ineligible for the VA benefits. For veterans, all VA benefits to terminate while they are incarcerated.

Again, possession of illegal drugs is against the law and should be. By lowering first offense for simple possession, a judge will still have the discretion to sentence a defendant up to 364 days in jail, place a person on probation, and impose fines. That is significant punishment. The defendant will continue to have a record for a crime, but it will be a misdemeanor. If they re-offend, then all bets are off and a felony conviction would be entirely appropriate. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Mr. Speaker, Ladies and Gentleman of the House, I would be remiss, this afternoon, if I did not also rise and share a story of Courtney Fortin from my hometown in the district that I represent, of Biddeford.

I just want to share some of her words. She says, "My felony conviction was for a low-level, nonviolent crime stemming from my addiction. I have almost completed my court-ordered time, I'm in recovery, and am continuing treatment; by all measures I am doing everything right. However my felony continues to punish me. Every time I apply for a job, I will have to check the box on the employment application that asks me if I am felon. Even if my conviction does not immediately disqualify me for the position, in today's competitive job market, my felony puts me at a severe disadvantage. This not only has implications for me, but also for my daughter as it limits the resources available to both of us. Additionally, if for any reason my current living situation changes, I worry that my daughter and I might not be able to find another apartment or may be forced into a living situation we do not want to be in."

The reality is, Mr. Speaker, it's not just our veterans. It's people who hold the title of "mom" and "dad." Courtney is not on her path to recovery because she obtained a new title "felon." She is on the path to recovery because of treatment, because she received the support she needed, not a jail cell. I stand in support of the pending motion and I urge all of us to vote in favor of it. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise today to ask you to join me and support this Ought to Pass as Amended motion. As a member of the Criminal Justice and Public Safety Committee, I, along with my colleagues, have spent this entire legislative session grappling with our criminal justice system's jam-packed jails and busted budgets. The facts are clear: we have too many people incarcerated in our state, and not enough money to afford them. And, this bill, LD 113 as amended by Report "C" aims to assist with those problems.

Currently in Maine, mere possession of any quantity of many drugs, including all prescription opiates, is a felony, punishable by up to five, 10 or 30 years in prison. LD 113, Report "C" will downgrade simple possession of illicit drugs from a felony to a misdemeanor for the first offense.

Here is another fact that should be clear for all of us: we are not winning the war on drugs. We are losing it. So, let me recap: our jails are full, our budgets are blown, more people are addicted to drugs, and we just keep arresting them, charging them with felonies and sentencing them to less of a chance at success. And, while drug arrests in Maine have gone up 240 percent since the mid-80's, drug use and addiction rates have continued to skyrocket.

With one of the highest opiate addiction rates in the country, Maine makes felons out of Mainers suffering from the disease of addiction. While most people are not spending years on end in prison, a felony conviction does have lasting consequences.



Felony convictions achieve the exact opposite result of what we all want—it is a disincentive for success. A felony record creates new barriers to folks getting back on their feet. A felony conviction is devastating for anyone trying to get out from under addiction, especially veterans and women.

As you have already heard today, Maine people with felony convictions face barriers to employment and education. How can we expect people—and we are talking about people with their first offense possession charge—how can we expect them to head toward success when we are throwing up these barriers? This is not common sense.

Mr. Speaker, let me be clear: Report "C" is not soft on crime. In fact, with this modest reform, Maine law will still be more punitive than federal drug possession laws. Federal law provides a maximum sentence of one year for possession of any amount of scheduled drugs. Federal law provides civil penalties for possession of heroin, cocaine, and methamphetamine below certain thresholds. In stark contrast, Maine law classifies possession of any amounts of opiates or narcotics as a felony-level Class B or C offense.

No one can deny that Mainers are suffering from addiction. We are facing a public health crisis. We need to find the resources to invest in treatment programs, which cut addiction at its root. This report is the only report that reflects a current biennium savings, freeing up precious dollars that can be invested in Mainers on the road to recovery. I am asking you to join me in voting "yes" on the pending motion. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of Report "C" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 287

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Blume, Brooks, Bryant, Buckland, Burstein, Chapman, Chipman, Cooper, Corey, Daughtry, Davitt, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Evangelos, Farnsworth, Farrin, Fecteau, Frey, Gattine, Gideon, Gilbert, Golden, Grant, Grohman, Hamann, Hanley, Harlow, Hawke, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Longstaff, Luchini, Malaby, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, O'Connor, Parry, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Seavey, Short, Sirocki, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Vachon, Verow, Warren, Welsh, Wood.

NAY - Austin, Beck, Black, Campbell J, Chace, Chenette, Crafts, DeChant, Dillingham, Edgecomb, Espling, Foley, Fowle, Fredette, Gerrish, Gillway, Ginzler, Goode, Greenwood, Guerin, Hanington, Head, Higgins, Hilliard, Hobart, Lajoie, Lockman, Long, Lyford, Maker, McClellan, McElwee, Nutting, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sherman, Skolfield, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Wallace, Ward, White, Winsor.

ABSENT - Campbell R, Herrick, Marean, Sawicki, Shaw, Wadsworth, Mr. Speaker.

Yes, 92; No, 52; Absent, 7; Excused, 0.

92 having voted in the affirmative and 52 voted in the negative, with 7 being absent, and accordingly Report "C" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (S-269)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (S-269)** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

#### REPORTS OF COMMITTEE

##### Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons"

(S.P. 31) (L.D. 83)

Signed:

Senator:

JOHNSON of Lincoln

Representatives:

HOBBINS of Saco

EVANGELOS of Friendship

HERRICK of Paris

McCREIGHT of Harpswell

MONAGHAN of Cape Elizabeth

MOONEN of Portland

WARREN of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-197)** on same Bill.

Signed:

Senators:

BURNS of Washington

VOLK of Cumberland

Representatives:

GINZLER of Bridgton

GUERIN of Glenburn

SHERMAN of Hodgdon

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

**READ.**

Representative HOBBINS of Saco moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Hobbins.

Representative **HOBBINS**: Thank you, Mr. Speaker, Women and Men of the House, more than 25 years ago, when I was serving in the 114th Maine Legislature, I was the co-chair of the Judiciary Committee. My colleagues and I decided that this was a very significant issue. And we attempted, along with the assistance of Governor McKernan and his assistant legal counsel to craft a compromise bill to address the role of parents when Maine teens seek an abortion. The resulting law, Maine's Adult Involvement law, is effective, fair, just, and I stand before you in support of the current motion to keep it in tact.

In an ideal world, all young women facing an unplanned pregnancy would have a trusted parent or guardian she could talk with about her options and her decision. Indeed, most of the teenagers in Maine seeking an abortion bring a parent with them or have talked with a parent about their decision. Last year, nearly 80 percent of women involved a parent in the decision and

for the 26 that were unable, they had a safe adult, professionally trained to support them. As we all know, not all teens have an ideal world and live in an ideal world and feel they can involve their parents or guardians. Most laws mandating written parental consent for an abortion acknowledge this reality and offer an alternative, a judicial bypass.

Our committee, in a bipartisan way, considered this for Maine. But sending a teenager to court for permission to end a pregnancy is no real alternative for the vulnerable teenager who doesn't have family support. Involving courts in a teen's decision to seek an abortion is not an ideal solution and we have sought then and we ask you to maintain an option for Maine. This option, we all agreed, is better to have a trusted family member involved. But we also know that we cannot legislate, mandate, or force open, healthy, family communication.

By coming together to find effective solutions to this dilemma, the committee crafted what we feel was the best alternative: Maine's Adult Involvement Law. Maine's Adult Involvement Law states that a young woman under 18 who is seeking an abortion must obtain the consent of a parent, a guardian or other family member, or the consent of a judge. But also, there's the option to receive comprehensive options counseling from an approved counselor, such as a psychiatrist, psychologist, social worker, ordained clergy member, physician, nurse practitioner, or guidance counselor.

The law states that a young woman must receive unbiased, nonjudgmental counseling on all options including adoption, parenting, and abortion. The patient must be told that she can change her mind and be provided information on how to obtain prenatal care and birth control. The counselor must also discuss the possibility of involving a parent or an adult family member and the young woman must put into writing why she is unable to involve a parent in this discussion.

Remember, this law became effective in Maine over 25 years ago and remains intact. What I have just stated to you is what Maine law is and the protocol that must be followed under present Maine law. Since the law was enacted, teen pregnancy and abortion rates have reached historic lows. The state's pregnancy rate has dropped by approximately 55 percent, one of the sharpest declines in the nation, and teen abortion rates have also sharply declined at an even greater, steeper, rate than what I mentioned before. Minors having an abortion account for less than five percent of the total performed in Maine and the state teen pregnancy rate currently ranks fourth in the nation.

Given this progress, the question now comes to mind is why change an approach that has been working so effectively for the past 25 years? The truth is, LD 83 would not decrease teen pregnancy or abortions. It would not protect teens. It would not increase or improve family communications about sexuality, birth control, pregnancy, or abortion. It would only make a young woman's decision to seek an abortion more expensive, more risky, and more stressful. I urge you to support the pending motion and keep the existing law intact. Thank you.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER PRO TEM: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today in support of LD 83. In fact, I am proud to offer my full support for this measure—not only as a lawmaker, but also as a mother and as a woman. Indeed, as lawmakers, part of our job is to give Mainers tools

they need to succeed and flourish. And for Maine families, that means that we should enable them to adequately care and protect their children. LD 83 does this by making sure that parents, or adult family members, have a chance to participate in a major medical decision of their children. Under current law, parental consent in the abortion decision of teenagers is a mere option. A physician or counselor can override parental consent. LD 83 makes this consent a requirement.

However, in its amended form, LD 83 also recognizes that not all teenagers can go to their parents or legal guardians for consent. That is why it also allows adult family members to give consent. It further allows a judicial bypass option for those teenagers who do not have adult family members that can give permission. This bill aims to make the judicial bypass option as safe and accessible as possible by removing the ambiguity in current law that allows an undefined and potentially dangerous "next friend" to petition the court on a minor's behalf. Instead, LD 83 allows nine different categories of adults, including a psychiatrist, psychologist, social worker, or member of the clergy to petition the court on the teenager's behalf.

Each of these provisions enhances the security of our children by ensuring that they have a trusted family member or adult counselor to support and guide them during a difficult time. As a lawmaker, then, I am happy to support this bill. But as I noted earlier, as a mother, the thought that adult predators under the guise of a "next friend" would no longer be equipped to use secret abortions to cover up wrongdoing is a comfort. It is a comfort to know that my girls don't have to be alone in a very important medical decision.

Finally, as a woman, I fully support this measure. I know, of course, that there are some in this room who would argue that requiring parental consent undermines the Constitutional right to an abortion. But according to the US Supreme Court in *Planned Parenthood vs. Casey*, a parental consent requirement with a judicial bypass option is Constitutional because it does not place an undue burden on the right to abortion. Indeed, most women support measures such as LD 83, as evidenced by a 2011 Gallup poll, which found that 72 percent of women support parental consent.

My fellow Representatives, I believe that this bill is necessary to ensure that Maine's teenagers have all the support and help they need at the time they need it most. And I think it is important for us as a legislative body to follow the wise example of the 38 other states who have recognized that parental or family involvement in the major medical decisions of our nation's youth is both necessary and beneficial. And I believe that it is time for us to join with 72 percent of women who agree that parental involvement in a minor's decision to have an abortion is an asset to our children, not a detriment. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Crafts.

Representative **CRAFTS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I wanted to express my support for LD 83. LD 83 proposes a law that is similar to those passed in 38 other states. That means that 38 other states have already recognized the need for teenagers to have their families involved in the decision to obtain an abortion. Thirty-eight other states have already decided that most teenagers will benefit from family involvement in abortion decisions. Thirty-eight other states have decided to empower parents by making sure that they have the chance to provide advice, counsel, and support to their vulnerable teens. I believe now is the time for Maine to follow suit.

Opponents argue, however, that Maine already has a parental involvement law and that this law has been working for

more than 25 years. However, the current law allows a physician to override parental consent if the physician deems the teenager competent enough to give consent. Not only can this provision create a conflict of interest, but this means that the parental consent is mere option. It means that Maine has, in effect, no parental involvement requirements.

Furthermore, how do we know that the current law is working? How do we know that in the long run, teenagers who return home after a secret abortion are better off than if they had told their parents? How do we know that abortion was not used to cover up a wrongdoing against a vulnerable teenager? LD 83 aims to better the current law. LD 83 aims to give families a chance to be involved in an important decision of their young vulnerable member. LD 83 aims to protect the minority of Maine teenagers who can safely involve their families with providing other options for those that cannot. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I stand in opposition to the pending motion and in support of the legislation. This bill, as many have said, simply requires the permission of a parent, guardian, or adult family member before a minor can obtain an abortion, also providing for a judicial impact whereby a minor or "next friend" can petition the court for consent, rather than obtaining parental consent.

This bill does limit "next friend" to adult family members and counselors already defined in the statute and will help minors from potential abusers and make the potential court process less intimidating. As said, 38 states currently require parental consent and/or notification. New Hampshire requires both parents. Massachusetts, one, and has since 1982.

Parental involvement, in most cases, is a safeguard for minors. The choice is, or should be, difficult. The choice our minors make every day, either way, will affect them for the rest of their lives. Healing, whether mentally or physically, must be shared with those who love the minor the most. When we share our pain and our suffering with our family and those we trust, the healing process begins. Think about this: kids need parental consent for driving, tattoos, aspirin at school, field trips, tanning, working past 10 o'clock, etc. etc. Yet some think it's okay to have a life-changing procedure, a procedure that is forever embedded in the mind.

It's astounding that we don't have this law already and I know that my daughter is 31 years old and my granddaughter is 15 and a half years old. We had the talk and I am very blessed to have her and without parental consent, I'm not quite sure I would have that lovely child. I know that my circumstances are different than a lot of people's, but life is precious and we should all consider it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Mr. Speaker, thank you. Mr. Speaker, Ladies and Gentlemen of the House, I rise today in opposition to the pending motion and in support of LD 83. LD 83 in its amended form is a positive step toward safeguarding our state's vulnerable youth.

This is an important point because today you may actually hear people say the opposite. You may hear opponents argue that LD 83 will put vulnerable teenagers at risk, but I assure you that I would not support this bill if I thought that were true. Indeed, LD 83 in its amended form seeks to enhance the safeguards for all teenagers by requiring a parent, legal guardian, or adult family member to consent to a major medical procedure and by creating a process by which teenagers, if needed, can bypass that requirement.

Why, then, do opponents say that this bill is risky? Most often, this argument stems from the idea that some parents would hurt a teenager who discloses a pregnancy. Of course, it would be naïve to say that this is not a possibility. I understand that there could be a parent who would violently respond to a pregnant teenage daughter. However, putting aside that fact that studies show that this occurs in less than 0.5 percent of cases, LD 83 accounts for this possibility by allowing adult family members, not just parents, to give consent.

Furthermore, this bill not only provides a judicial bypass option by which teenagers can petition the court for consent if they feel that they cannot go to their parents, but it aims to make this option as easy as possible by supplying a list of adults who can assist a teenager in that process. In this way, LD 83 protects the majority of Maine teenagers whose parents do not pose a risk to them and the minority of those who may need another option. Further, LD 83 addresses the risk posed by current law that allows an undefined "next friend" to petition the court on a minor's behalf by limiting this "next best friend" to adult family members and counselors.

My friends, LD 83 is a commonsense law. It does not aim to undermine any rights or promote a particular view about abortion. It simply requires family involvement in the serious medical decision of a vulnerable teen. I ask you to please join with me in defeating this motion and follow my light which will be red. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, there may be many here today who see this bill as a pro-life bill. I believe it can actually be described as a pro-parent bill. In fact, though I am pro-life, I would support this bill even if opponents are right that parental consent laws do not reduce abortion rates. This is because I believe parents not only have the right to be involved in the major decisions of their children, but that parents are in the best position to provide much-needed support and guidance for their children.

I'm quite troubled to think of the implicit message that a rejection of this legislation would send to Maine teenagers: that parents are obstacles to their well-being; that a parent's knowledge of, or permission for, a medical procedure that could have life-long consequences is unnecessary. A blanket rejection of parental rights laws is based upon an assumption that minors do not need or will not benefit from a consultation with their parents. Any good parent would be an advocate for their child, and grandchild, in the case of abortions.

Of course, there are some parents who may pose a risk to a pregnant teen, which is why this bill provides a judicial bypass procedure. In many cases, children's fear is more likely that of disappointing their parents, rather than a fear their parents would do them harm. As a parent, this is a very hard pill to swallow. But it is even more difficult to swallow when I think about the fact that our state requires parental consent for a host of other things: tattoos, ear piercings, field trips, tanning, etc. In each of these cases, the state recognizes that parental involvement is both necessary and beneficial to the health and safety of Maine children.

Why, then, is abortion excluded from this recognition? Why do we insist that parents' right to protect their children is welcome and necessary in the tattoo parlor, or in the tanning salon, or the boutique, but not inside the abortion clinic? I have double pierced ears and I had them both done when I was in junior high and my mother had to give consent for me to have those piercings done.

Abortion is a surgical procedure that will affect the person who has one for the rest of their lives. Why wouldn't a parent need or want to be involved? I personally had a miscarriage, also called a spontaneous abortion, in 2008 which resulted in an emergency trip to the OR. Even at the age of 36 I was comforted by the fact that my mother was by my side as my unborn, and sadly deceased, child was removed from my body. I cannot imagine if I had to go through this as a teenager all alone and the child was still living inside me.

So, I would respectfully ask this body—no matter what your views on abortion are—please support a parent's right to be involved in the important decisions of their children and grandchildren by voting "Ought to Pass" on LD 83 and rejecting the current motion. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Harpswell, Representative McCreight.

Representative **McCREIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise in opposition to LD 83 and ask you to support the current motion. In Maine, we have a very good, very effective law to address the issue of minors who seek abortions; it's known as the Adult Involvement Law. Representative Hobbins gave you some of the details about the bill so I won't repeat them.

But I just want to stress that Maine has seen a dramatic decline in teen pregnancies and abortions since the 1989 enactment of our current Adult Involvement Law. I won't go into a lot of detail about the negative results we've seen in states which restrict access to legal abortions—such things as young women traveling to other states, delayed and therefore riskier abortions, being pushed into seeking illegal, unsafe and life-threatening abortions. I instead ask you to put yourself in the shoes of a young woman facing this important decision. And please don't assume that everyone has the same experience that you do. Think instead of a young woman I'll describe to you who is pregnant and cannot talk to her parents.

As a very little girl, she was the victim of sexual abuse by an adult family member. As is the case in dysfunctional family systems, her older brother took on the role of trying to keep the family together, no matter what. After all, this was the only family he had, the only way of treating children that he knew. If his sister told, he feared the consequences for all of the family. To stop his little sister from talking, he took her most favorite, most comforting stuffed animal from her, and he actually held it captive and threatened to stab it. This is a powerful threat to a little child. So, the abuse of this little girl continued; she didn't talk. She couldn't take the risk to talk. She was still a young girl when she became pregnant by her abuser. And who could she go to for help? Not her abuser, not her older brother, not her parents who hadn't kept her safe.

With today's effective Adult Involvement Law, a young woman who can't go to a parent can go to a certified counselor, a clergy person, a doctor, a judge. If she decides, with this adult support, that she wants to seek an abortion, she will have her full range of options described in a non-biased, nonjudgmental way and she will be supported in her decision, not coerced. After this counseling, if she chooses abortion, she will have a safe, legal abortion with any after care she needs. She will not need to put herself at risk of further abuse. I ask you to oppose any change to our effective Adult Involvement Law and I urge you to vote in opposition to LD 83. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Scarborough, Representative Vachon.

Representative **VACHON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition of the pending motion and in support of LD 83. Good parenting is the greatest

gift a child can have in living a meaningful and productive life. And don't we all know that parenting and parents are not always easy. There are battles and there are tough times. There's tough love because there is great love.

There is no replacement for family and the role of parents should not be diminished. Parents are crucial to the well-being of teenagers. They are not obstacles to their healthcare. This bill protects minors and parental rights. It requires parental consent for an abortion. I figure, if we, earlier this session, voted for parental consent to use the tanning bed, why wouldn't we vote for parental consent for an abortion. I urge you to follow my light. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Thank you, Mr. Speaker. Ladies and Gentlemen, mothers and dads, grandmothers and gramps, I stand in support of the Act To Strengthen the Consent Law for Abortions Performed on Minors today. As I think back over the years to the several medical procedures that my children have had, I remember how I was there with them from the start to the finish. Every time when they opened their eyes I was there to be sure that they received the care and the attention they needed, not only from the medical professionals, but from me or their father.

Now as I stand here today, excitedly and momentarily awaiting the arrival of our 11th grandchild I think to how I have stood with our children and I know now that my children are standing with their children. We've been there constantly to give vigil over the procedures and the operations, and to take care of them. And I think to the nights when as, about the age just before 18, a middle teenager, they had procedures and I would hear their voice in the night. And they would call out. And they just needed that extra touch of comfort, or maybe the dressing didn't feel comfortable.

I think of the young, young girls that are facing this and I want them to have that comfort, too. Hopefully, from their mothers or their dads, their grandmothers or their grandfathers, to be able to stand by them and show loving care in support at one of the most difficult times of their life. I want them to have the oversight that they deserve as young women as they recover and they heal both physically and perhaps emotionally. Please join me today as we give parents, grandparents, siblings, family members, the privilege and the opportunity to do their very best for their children. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan.

Representative **MONAGHAN**: Thank you, Mr. Speaker Pro Tem, Women and Men of the House, in Maine, the state's teen pregnancy rate currently ranks fourth lowest in the nation and much of this has to do with the result of Maine's Adult Involvement Law which was enacted in 1989 through bipartisan work of the Legislature, and signed into law by Governor McKernan.

It has been held up as a national model to ensure that young women considering abortion receive the support they need. Our current law is indeed effective. Since it was enacted, the number of Maine teen pregnancies and abortions have reached historic lows. Teen pregnancies have dropped by approximately 55 percent, one of the sharpest declines in the country and teen abortion rates have declined even more steeply, by more than 75 percent.

I'm sure all of us would agree that for a young woman considering an abortion, the ideal situation is for parents to be involved. In fact, in the majority of cases, they are. But, the ideal is not always the reality. And as much as we'd all like to have

parents involved, it is simply not possible to legislate or force open, safe, healthy family communication. For this reason, our current law encourages parent involvement but includes options by allowing a young woman to have the support she needs. She has the option to involve the following: a parent or a guardian or family member, or a counselor defined to be a psychologist, psychiatrist, social worker, ordained cleric, physician's assistant, nurse practitioner, guidance counselor, or nurse, or the consent of a judge, or a qualified physician can determine that the minor is mentally and physically competent to give consent.

The counselor or physician must: tell the young woman she can change her mind. The counselor or physician must also discuss the possibility of involving a parent or adult family member. She must, and this is current law, she must receive unbiased, comprehensive counseling about her options—adoption, elements of pre- and post-natal care, or abortion—from a qualified counselor, which includes a psychiatrist, psychologist, social worker, ordained clergy member, physician, nurse practitioner, or guidance counselor.

I ask you to think about and have empathy for those young women who are not able to involve a parent. Put yourself in these shoes. Please don't assume that everyone has the same experience you do. Think of the young woman who is pregnant and cannot talk to her parents. Perhaps she is a victim of rape or incest. Perhaps she is a member of a family where she suffers abuse at the hands of her parents, guardians or siblings. Who can she go to? Current law already requires her to have adult support. Think of yourself in this situation. You can't safely talk to your parent, you don't have a clue how to go to probate court to obtain permission.

Requiring parental consent would not make dysfunctional families become suddenly healthy and great at communication. In reality LD 83 would restrict access to a legal, safe abortion and would add unnecessary health risk. We have been incredibly successful in reducing teen pregnancy and abortion rates in Maine. Let's not change a law that works. It already requires that young women must have adult support and guidance; it has reduced teen pregnancy and teen abortions.

I urge you not to support LD 83. And on a personal note, having, representing the Town of Cape Elizabeth, which, by all accounts is known as a beautiful, wealthy, affluent community. My daughter's 15 years old. We have conversations similar to these types of conversations monthly—weekly, sometimes, 'til she tells me to please stop talking about it. But I can tell you right now, even representing a community such as Cape Elizabeth, my daughter is very lucky. I have her back. I tell her almost monthly, "If a situation like this ever occurs, I have your back Stephanie. I will always be there for you. I will always help you." But I can tell you, there are many, many girls in her class, in her sophomore class, in her junior class, in her senior class, that are not that lucky. So, on that note, I ask you to support the pending motion, Ought Not to Pass on LD 83. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative **REED**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion and to testify in support of LD 83. You know, when I decided to run for public office, I never thought that one day I'd be giving testimony on whether or not parents or a parent of an underage child or teenager should be notified before the child undergoes an abortion. If parents shouldn't know, then who should know?

And yes, I'm aware of the arguments that all families are not perfect, and I realize that in some cases there are family members that are guilty of some horrendous acts against other

family members. My answer to that is to find them, prosecute them, and then deliver them to the slammer where they belong. But let's not use this as a reason to take away these rights from the parents of our many good families because of the actions of a few predators. If this were a tonsillectomy, a double bypass, or some other major operation, should we expect that parents would be notified? Or would we say that it is a decision best left to a teenager and her doctor? You folks in this House don't really believe this. Matter of fact, if it was your child and you were the one not notified, you'd be turning over every rock until you found out why you were not informed. How do I know? Because that's what I would do.

During a teaching career that spanned more than four decades, I was made aware numerous times of students that had certain physical needs that may require some special assistance from the nurse from time to time. We were notified as to which students had food allergies and who was allergic to bee stings. We were told who were required Epi-pens and who were required to see the nurse for the dispensing of medications during the school day. As teachers and coaches we were cautioned over and over again never to dispense any medications under any circumstances. It is easy to see in these examples the importance of communication between the home and school.

On two occasions this past basketball season two players, at different times, requested to be allowed to go home with their parents rather than ride the bus. This is a practice that is often discouraged by coaches in team sports because of the importance of building strong team chemistry. But there are times due to sickness or injury that it really is in the player's best interest for him to be made as comfortable as possible. In both instances, the players were reminded to take a written note to the athletic director's office and to bring one to the coach. The parents and players were also required to see the coach immediately after the game to verify that the boys, indeed, were leaving with their parents.

Now, if these procedures were not followed, they would've travelled back on the bus. My point is this: If communication is so essential to ensure the safety of our athletes on basketball trips, how much more essential is communication with parents when we are talking about an underage daughter about to have an abortion procedure. I decided to ask a few people if they thought the parents of a 15-year-old girl should be notified before having an abortion. One response I got was, "What kind of a question is that? A 15-year-old is a teenager. Of course the parents should be notified." Another said, "It is already the law. You have to notify the parents about everything when it comes to kids." I think these are typical responses one could expect from people if they were asked this question. I think I thought that that was true, myself, until I got here.

We all know that an abortion isn't your everyday operation. It is the decision that will often be triggered by something and recalled over and over again in one's lifetime. It could be, "I wonder what she would've been," or "I wonder what he would've looked like." Sometime during one's lifetime, these thoughts will arise. So, my friends of the House, this decision is far too serious and the scar is too long lived not to have parental notification. Regardless of party affiliation, I don't believe for a moment that anyone in this house really believes that parents should not be notified if this were their child. I hope you will truly think about this and vote to put this consent where it really belongs: back in the hands of parents. Thank you, Mr. Speaker and thank you, Ladies and Gentlemen of the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker, esteemed Colleagues of the House, I rise today in favor of the pending motion. I want to share with you a story from when I was under the age of 18. I remember sitting in a car with one of my friends and she just kept talking about the shame. She sat in my car crying and shaking her head, "They just wouldn't understand."

We were sitting in a high school parking lot and looking at each other wondering what to do. She had come to me because she had no one left to turn to. She couldn't tell her parents; they'd made it very clear early on that they didn't want to hear about anything to do with her relationships and that they already didn't approve of who she was and where she was going in her life. And her boyfriend had just left her, and now she was pregnant. She didn't know what to do and she had come to me. I also didn't know what to do. So I asked a teacher, I asked friends, I asked our school nurse and they told me about the existing law—that even though she lived in fear of her parents, that she could still seek help; that she could go to the local clinic; she could get counseling. And even though her parents wouldn't have signed off on the procedure, she could still go through what she had decided was the best decision for her and for her future.

Not everyone has supporting parents. It is the honest truth. It's not an anecdote; it's a fact. Not everyone had the idyllic American family we all dream of. Not all of us are married with two and a half children, a single family home with 2-car garage and preferably a perfectly painted white picket fence out front. And we don't all live in the "golly-gee" world of *Leave it to Beaver*.

Since that moment where I helped my friend go to the clinic and she had an incredible conversation with the healthcare provider who helped guide her through the process, I realized at that time in high school what I wanted to do was serve as a support for those who had no other supports. I was the girl who was there for when a couple didn't know what to do when the worst possible scenario happened. When they couldn't talk to someone, I was that shoulder to cry on. I was that person who would look across the room and realize the person just needed a hug. I've seen women who've decided to keep their babies. I've seen women who've decided it was best to go forward with an abortion. But I know from my experience with all of my friends and loved ones that you can't always go to a parent.

Not all children have the same incredible relationships with their parents as we've heard described today. I have to say: I'm blessed. My parents are absolutely amazing and I can go to them with anything. And, in fact, if you've seen me pacing in the hallway, probably talking a little bit too animatedly with my hands, I'm probably on the phone with my mother or father. In fact, many of my friends have turned to my parents in their time of need because they are just that supportive.

One of my friends who was frightened to tell their parents about a pregnancy came to my parents. I remember them completely in tears unsure of what to do. My parents sat down with them and walked through the law and explained what they could do, and in fact even told them to go tell their parents. And that's what happened in that situation.

My parents are my heroes and in most cases, as we've heard, 80 percent of all teens who go through abortions are there with their parents. And most teens are blessed to have their parents with them at this trying time. But not everyone can. And I actually talked to my parents about this bill. What would they want to do? Well, luckily my dad quipped and said that he'd be right there beside me in the clinic holding my hand and making sure that I got through it. And same with my mom. But they agree that as parents they understand that not everyone is like them and they would want to make sure that if a young woman was facing this decision that she could go through and find a

trusted colleague, who might not be a parent—who might be the source of violence or strife in their life—but that there'd be someone else out there to help guide this minor through this trying time. I stand in favor of this motion because we don't need to put any more barriers in front of what an existing law that has worked so well and that I have seen firsthand make a difference in minor's lives. I urge you to follow my light.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, these are always, for me, some of the toughest issues we debate every year. And so, I've sat here and listened to hear what folks have said, and some of the more recent conversation as we're talking about an underage child, I've heard the term "woman," all of a sudden it's a woman, who I listened to the process and sounds like this woman could maneuver various hoops and, you know, manage this abortion process while under whatever cloud she also might be carrying because of the situation she's in. And yet, I've been here long enough, Mr. Speaker, to hear discussions about the woman, now again a child, not being able to handle a gun, drive a car, get a suntan, or work extra hours, and there's more on that list, I just am not coming up with them all at this point.

Mr. Speaker, I also, my second to last point: I've never been involved with an abortion, you know, other than what I've read and the many discussions we've had here, Mr. Speaker. But I do have concerns for after the abortion. All the issues that I have read about, in terms of mental health issues—about injury, about people who have an abortion then can't have a child in the future; things that I don't think are told, in most cases, before the abortion. And I'm hearing, again we have this process where somebody, some cold, perhaps, person will accompany you through this journey versus a loving family member who will do that because I think most family members are loving. Are they all? No. But I think most are, Mr. Speaker.

And I remember, Mr. Speaker, a bill just recently that we talked about having to change a law because we had situations where friends were together and a friend overdosed and the other friends were afraid to call the police because they didn't want to get in trouble. And are we saying the same situation? A friend accompanies a friend to an abortion and it goes awry and could possibly the friend ditch the friend? I don't think loving family does that, Mr. Speaker.

So, you know, I mean so much of what goes on in the world these days, I think, is about the family. We've broken down the family. We've removed the family from so much. We've taken responsibility away from the family, Mr. Speaker. And I just say defeat this motion and support LD 83, and among other things, let's start to rebuild the family, Mr. Speaker. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise today in favor of the Ought Not to Pass motion. Maine's current Adult Involvement Law allows for young women who are in dangerous and abusive situations at home to obtain an abortion.

Replacing this law with a one-size-fits-all government mandate will not help parents keep their daughters safe. Young women who choose not to involve a parent often have very real concerns for their safety. One study found that one third of young women who do not notify their parents about an abortion have experienced family violence and fear it will recur. According to the Maine Coalition Against Sexual Assault, in most child sexual abuse cases, the perpetrator is known to the minor and is often a trusted adult or family member. Eighty-five percent of

minors who are sexually abused never tell, or delay telling about their abuse, often for fear of what will happen to them or to their families if they disclose. Research shows that the closer the minor is to the abuser, the less likely that she will disclose the abuse.

This bill would require a young woman to involve her parent, or adult family member, or to face a judge to request a bypass. Forcing a young woman to either involve a parent or another family member in their decision to terminate a pregnancy, or else face a judge to disclose their circumstances is coercive and can serve to further endanger the victim. Maine's current Adult Involvement Law strikes the correct balance: encouraging a young woman to involve her parents while providing an alternative in the case that she feels that she cannot share her circumstances with her family. Our current law allows for young victims to speak with qualified professionals about the decisions that lay ahead, and to have guidance and support in choosing the right path for themselves.

This bill was opposed by a number of organizations including the Maine Medical Association, the Maine Coalition Against Sexual Assault, the Maine Coalition to End Domestic Violence and organizations that work with homeless and at-risk youth. And, it was opposed for good reason: forcing a young woman to get permission from an obviously untrusted adult family member or a judge will not necessarily mean that she won't get an abortion, but it could likely result in a situation where the pregnancy is ended in an unsafe manner. Passage of LD 83 puts health and safety of our young women at risk and I ask you to join me in voting for the current Ought Not to Pass motion.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, Women and Men of the House, I rise in support of the motion. Mr. Speaker, as my friends in the chamber know, I have two kids, a son and a daughter, twins who have recently gone off to college. So my days of full-time hands-on parenting of teenagers has now come to an abrupt end. I think someday I may recover. As I listen to this debate, I think about my kids, and obviously I think, in particular, about my daughter and as the parent of a young woman, this debate really focuses my attention on her and the impact that this legislation would have on her and other young women.

I don't really talk about it much because I don't really have to. My daughter has a chronic disease that she developed in middle school and it's a disease that can have devastating and life changing impacts if not managed correctly. It doesn't really have to be that way though if you make smart decisions and if you take on the responsibility and accountability for your own good health. And if you develop trusting and mutual relationships with the medical professionals who give you care, this disease can be managed. And I'm happy to say that as my daughter has become an adult that she's been able to stay in good health and I can assure you that if you ever met her, and some of you have, you'd never know that she was ever sick or some of the things that she's had to deal with. And needless to say, her mom and I are pretty proud of her.

But the point is that early on when she was a young child, her mom and I made a lot of medical decisions for her. But as the years flew by, we learned that the most important thing that we could do for our daughter was to impress upon her the importance of making smart decisions herself; that she was accountable for her own health; that decisions she made as a teenager could have an impact not just on her immediate situation, but on her future and on the rest of her life. And when she became a teenager and went to high school, we quickly

learned that for the most part a lot of the important choices that she needed to make were her choices and they weren't our choices.

And the fact that she's been successful managing her own healthcare and her own life up to this point isn't because my wife and I made good choices, or even because we gave her good advice, which we try to do. It's because we put her in a position to make smart choices for herself, and to understand that those choices have consequences and that those choices are her choices and that those consequences are her consequences.

You know, at the end of the day it isn't our job as parents to dictate. It's more than just a signature on a form or a permission slip. It's to teach and nurture and put our kids in a position where they feel capable and empowered to make good decisions. And as they develop, kids are going to make more and more choices on their own and as parents we're going to be there for them. But they're going to decide sometimes when and if they have to involve parents and some decisions they're going to want to keep private, understandably. And as parents our job is to make sure that they're prepared to make those choices; not to make those choices for them.

So I trust that my daughter would come to me or her mother when important medical decisions need to be made. More than that, I want her to be safe and well cared for. I would want her to feel supported by a caring adult with the training and experience, who's concerned for her safety, well qualified to give her accurate and compassionate counsel. And I think that Maine's adult involvement law does exactly that and that it works. And that's why I'll be voting in support of this pending motion. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, as the mother of my own daughter, I want to believe that any time she is in need in her life, she will feel safe coming to me. But what I know for sure is there's no guarantee of that. And though most young women, even in this state, choose voluntarily to involve a parent in their decision to terminate a pregnancy, there is a small minority of young women who feel that they cannot include a parent in this critical decision.

For them, a bill like LD 83 has serious and heartbreaking consequences. It definitely did for Becky Bell, who was 17 years old when she died. The pathologist who performed Becky's autopsy found that her death was caused by Strep pneumoniae and that Strep pneumoniae was brought about by an illegal abortion. Becky's parents, named Bill and Karen, have a story that follows. These are their own words. This is how they describe finding out the cause of her death. They say this: "We finally understood our daughter's last words. In the hospital, she had taken off her oxygen mask and said, 'Mom, Dad, I love you. Forgive me.'" Devastated, the Bell's asked themselves why their daughter would've risked an illegal abortion. How could this have happened?

The Bell's told lawmakers—they were testifying about another bill in their Legislature at the time—they told lawmakers the answers they learned following Becky's death. Here's what they testified: "Becky had told her girlfriends that she believed we would be terribly hurt and disappointed in her if she told us about her pregnancy. Like a lot of young people, she was not comfortable sharing intimate details of her developing sexuality with us, her parents. Becky discovered that our state has a parental consent law, which requires girls under the age of 18 to get their parents' permission before they can get an abortion. A Planned Parenthood counselor told her that she could apply for a

judicial bypass as an alternative to parental consent, and the counselor remembered Becky's response. Becky said, 'If I can't talk to my parents, how can I tell a judge who doesn't even know me?' Desperate to avoid telling us about her pregnancy, and therefore unable to go to a legal, reputable, medical establishment where abortions are provided compassionate and safely every day, Becky found someone operating outside the law who would give her this abortion." She had a back-alley abortion, Mr. Speaker. "And ultimately a parental involvement law led to our daughter's death."

In states with parental consent laws, there is no evidence that fewer minors seek abortion. In fact, the evidence actually shows that young women subject to these laws are more likely to seek abortion in a nearby state, which would not mandate a parent's presence, or worse, as experienced by the Bell family, they take matters into their own hands. We all hope that families have open, honest communication, but we cannot afford to be naïve about this when the health and wellbeing of young women is at stake. The fact is: there are families that do not communicate, especially about issues like sex and sexuality. Forcing teens to confront a parent to talk about her sex life will not make for better or more informed family conversation. In some cases, it will be tragic.

While I would want my daughter to come to me or to Ben, her father, with a decision like this, there is something I want more than that. I want her to be safe. I want her to be well cared for. I want her to feel supported by a caring adult, even if that adult is not me; an adult who has the training and the expertise, who is concerned for her safety, and who is well-qualified to give her accurate and compassionate counsel. For those young women who are unable to involve a parent, the Maine Legislature has already developed a thoughtful approach designed to ensure the safety and health of our young women. Maine's existing Adult Involvement Law works. That is why I will be voting for this pending motion. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 288

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Longstaff, Luchini, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneek, Stuckey, Tepler, Tipping-Spitz, Tucker, Warren, Welsh, Mr. Speaker.

NAY - Austin, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Head, Higgins, Hilliard, Kinney J, Kinney M, Lajoie, Lockman, Long, Lyford, Maker, Malaby, Martin J, McClellan, McElwee, Nutting, O'Connor, Parry, Peterson, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Bickford, Dillingham, Hawke, Herrick, Marean, Picchiotti, Shaw.

Yes, 77; No, 67; Absent, 7; Excused, 0.

77 having voted in the affirmative and 67 voted in the negative, with 7 being absent, and accordingly the Majority Ought Not to Pass Report was **ACCEPTED** in concurrence.

#### ENACTORS

##### Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2016 and June 30, 2017

(H.P. 740) (L.D. 1080)

(C. "A" H-457)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gorham, Representative McLean.

Representative **McLEAN**: Thank you Mr. Speaker, Men and Women of the House, I rise in support of the Ought to Pass motion. While the Appropriations Committee has been busy putting together the biennial state General Fund Budget, another important budget—but one that gets far less attention—has been taking shape. I want to take a moment to thank the members of the Transportation Committee, both my Democratic and Republican colleagues in the House for the important conversations we had, the concessions we made and the respectful and civil way we conducted our work.

This billion-dollar Highway Fund Budget is the money from state and federal sources that is dedicated to road and bridge replacement, investments in our airports, seaports and rail lines. Writing the Highway Fund budget has grown more challenging each two-year cycle because we are working with fewer and fewer dollars to invest in our roads and bridges.

Anyone who drives over Maine roads knows the rough shape that they're in and the condition of our infrastructure is a result of the chronic underfunding of our transportation system. Maintaining our transportation infrastructure is an expensive endeavor, but it's critical to the success of our economy. I am proud of the work our Transportation Committee has been doing over the last two months on the Highway Fund budget, identifying the most urgent investments and looking for ways to more efficiently and effectively allocate the resources we do have to those projects.

While we have found funding for many important and significant investments in the infrastructure, it still falls far short of what Maine needs. Maine is a big state with relatively few people spread out all over it. Compared to New Hampshire, which has about the same population, Maine has roughly twice the roads and bridges to take care of. This space and density is part of what makes Maine great, but it also presents transportation funding challenges.

According to MaineDOT's own work plan, our highway and bridge system requires an additional \$150 million every year just to keep up with basic maintenance. The recently issued report, "Keeping Our Bridges Safe," has indicated that we have a shortfall of nearly \$70 million, just to maintain the integrity of our bridges in our state. This is basic "gotta do" work, not wish lists, not expensive pet projects. This is stuff that needs to get done. In this year's budget there is actually \$0 in the capital line, meaning there is no money available to complete a project without some sort of cash infusion or bond package. If this doesn't happen the Department will have to cut projects starting this summer.



Efficiency, prioritization, and accountability are part of the answer, but those pieces are largely tapped out. Simply put, MaineDOT uses its funds that it is given well, and we cannot cut our way to a safe and reliable highway and bridge and transportation system. Now is the time for a conversation about how we fund the needed investments in our infrastructure, and find the political courage to pursue the changes that we need to make.

If there is one thing that we can agree upon in this State House, it should be that adequate investments in our roads and bridges is imperative to the safety and economic well-being of all Maine residents. And as we always say, there are no Republican or Democratic roads or bridges. This is a basic function of government, and we're falling short. We can and we must find a solution and we owe it to the people of Maine to do so. In the meantime, I am very proud of the work that our Committee has done, the work we were able to accomplish, and I urge you to support the passage of this Highway Fund Budget.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the pending motion. I wanted to just stand real quickly and agree with my good friend, the House Chair, Representative McLean. It's been enjoyable this year working with the good Representative as Republican lead and we were able to get a lot of things accomplished in this budget cycle.

I've said this before on the floor: I've been very lucky in my five years that I've been here—three terms on the Transportation Committee and two terms previous on Marine Resources—where I was on committees, the whole time I've been here that doesn't do partisan. And it's enjoyable being on committees that we don't have those fights. I think this entire year we might've had a handful of divided reports, because any bill that comes in front of us, we try to work it out and sometimes we can't and usually those bills die and usually we can and we fix any legislation that might need to be changed a little bit.

So I just wanted to say thank you to my good friend, Representative McLean, for this year. And to my fellow members of the Transportation Committee, I really can't add a whole lot to what Representative McLean said. We did a lot of hard work on this budget. As he said, it's getting tougher and tougher every year. With fuel efficiency getting better and better, our gas tax dollars don't quite stretch as far as they used to. But, we were able to craft this budget and I hope you can all support it. Thank you very much.

Representative **GIDEON** of Freeport **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker, briefly I just want to agree with the previous two speakers and note that in an hour and a half from whenever we get out of here, I'm going to turn off of Route 1 onto the, what was rated the worst road in Maine last year. Some of it's going to get fixed this year. Some of it's pretty bad. But we need to come together and figure out a way to fund highway improvements at a better pace than what we're doing now. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

#### ROLL CALL NO. 289

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanley, Harlow, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Hanington, McClellan, Pickett, Stetkis.

ABSENT - Herrick, Marean, Picchiotti, Shaw.

Yes, 143; No, 4; Absent, 4; Excused, 0.

143 having voted in the affirmative and 4 voted in the negative, with 4 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

#### SENATE PAPERS

##### Non-Concurrent Matter

Bill "An Act To Establish the Forensic Treatment Fund To Establish a Behavioral Assessment and Safety Evaluation Unit"

(H.P. 974) (L.D. 1428)

Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** in the House on June 17, 2015.

Came from the Senate with the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334)** in **NON-CONCURRENCE**.

Representative **ESPLING** of New Gloucester moved that the House **RECEDE AND CONCUR**.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, I'm glad to have an opportunity to speak on this. This unit is very important to our state right now. We are having, as many of us know, serious problems with Riverview and the division between forensic patients, which come in through the criminal system, and civil patients, which do not. Because of that, we need to build what they're going to be calling a "BASE unit." This BASE unit will have intake for forensic patients that will give them the proper evaluations and get them stable before they need to go to where they will need to go for hospitalization, be at Riverview or perhaps down at the unit at the Maine State Prison in Warren.

This bill, what it acts to do is, it would appropriate \$1.7 million for June 2017. Because this is going to be a private entity, put out to bid and have them build it, we need to have this money in escrow as good faith in order to start the RFP process. Without it we can't start it. And the longer we put it off, the longer it's going to take to stabilize Riverview Hospital and make sure that the individuals there are appropriately there or wherever else they need to be. This BASE unit is really vital to the services that we have to provide for individuals who come in through the criminal justice system; the not criminally insane; those who are unstable. I urge you to support this bill. Thank you.

Representative GIDEON of Freeport **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Mr. Speaker Pro Tem, Men and Women of the House, this bill came to us in HHS very late and I wanted you to know that the \$1.5 million represents one month of operating expenses for this new facility. And while it's true that the urgency seems to be there, and maybe even the plan seems to be one that we could endorse, the cost over one year, and I don't have the numbers in front of me but I remember because they were astonishing, were \$18 million a year to support the operating expenses in a 50-bed unit where each patient would cost \$350,000 a year. That was the fiscal note.

And it just seemed too quick to vet that process and vet that amount, and then also vet the fact that a private company would be taking on this responsibility. The prison system and private companies have a long history of questionable behavior and I didn't think, and most of the committee didn't think, that we could okay this in such a quick amount of time without vetting the idea of a private company taking this on, the price tag. And I'm not sure that's what our role was, to vet so quickly. So, this needs to be worked better. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this BASE unit—this is the behavioral assessment and safety evaluation—these are, as the good Representative from Chelsea stated, these are our forensic patients. They come from the court system. There's four basic categories. There's those in need of observation, those in need of evaluation, those who've committed capital crimes or deemed incompetent to stand trial, and the not criminally responsible, who would not likely be housed in such unit, as they would go directly to Riverview, as per Maine law.

We are having, in our state, a big problem with our incidents of crime committed by those with mental incapacities. Not just simple crimes, but also major crimes. And, consequently, our jails are overloaded. You have heard it repeatedly this year. Our jails are just overloaded with people in need of evaluation, observation. And, indeed further, we'll often get people in jails who are incompetent to stand trial. Riverview itself is at maximum staffing capacity, which is to say the intensity, the needs of those patients, are such that they can't bring in any more people because their staff is full. If they could take some relief—and, indeed, this is what this proposes—that would greatly aid our throughput of these individuals and they could seek treatment.

As to the issue raised previously about private contractors: some two years ago, this body passed something creating at the Maine State Prison in Warren the Intensive Forensic Mental

Health Unit. It is deemed by many to be the best provider of mental health services in the state. It is a fabulous unit. If you go to the jail, you talk to anyone there, they will tell you that, indeed, it's adequately staffed. They are very well paid, and they are doing their job excellently. So I, frankly, dismiss any argument that a private vendor is incapable of doing so.

As to the cost: this is very expensive. The operation of Riverview takes so much money. Indeed, we just appropriated another \$26 million not long ago for that facility. It is very expensive. But we have a lot of individuals with dual-diagnoses; with mental health issues, with drug issues, and they commit crimes and they are clogging our jails. And if we do not address it now—and this is a very much a long-term plan—if we do not seed this with the money now, we're going to have a problem for a good long time and we'll have no one else to blame but ourselves. And I thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Scarborough, Representative Vachon.

Representative **VACHON**: Mr. Speaker, Ladies and Gentlemen of the House, Maine faces challenges in regards to our forensic mental health system. As you may recall, Maine is currently combining forensic and civil patients at Riverview Psychiatric Center and this has resulted in complications due to the fundamental differences in evaluative and treatment needs associated with civil and forensic mental health populations.

As the Department has reported, the national standard of care is not to combine these two populations and this bill proposes to move towards separating these populations, meeting their special needs and therefore permitting more appropriate evaluation and treatment for civil and forensic patients. This bill would allow the creation of a secure behavioral assessment safety evaluation, or BASE unit. This proposed 50-bed BASE unit would allow the provision of the service for court-ordered evaluations, restoration of competence for those deemed incompetent to stand trial, and for the lengthy initial portion of evaluation and treatment of these deemed not criminally responsible.

Individuals within the forensic population frequently require levels of security not available at a hospital level of care. The Center for Medicare and Medicaid services has been clear that certain security interventions, which may be necessary in a forensic population, cannot occur in a CMS-approved hospital. Individuals requiring court-ordered evaluations, restoration to competency, treatment and rehabilitation for crimes that these individuals are not being held criminally responsible rely heavily on coping skills and behaviors that can be exploitive, threatening, and sometimes dangerous. While in a less secure facility, these individuals engage freely in these behaviors to the detriment of other patients and staff. These behaviors would also be a detriment to their ability to develop more appropriate skills, or to focus energy on the problems which have resulted in their becoming involved with the forensic mental health system in the first place.

It is expected that the BASE unit in a secure setting with appropriately trained staff will provide a full array of psychiatric evaluative, restorative and treatment modalities. It will be staffed by a psychiatrist, psychologists, nurses, mental health workers, acuity specialists, pharmacy, dietary, psychology, social work, occupational therapy, and recreational therapy staff. Again, the categories of patients within the forensic system that the BASE unit is expected to serve include: jail transfers, court-ordered evaluations, individuals that are incompetent to stand trial, and those deemed not criminally responsible.

The presence of large numbers of NCR patients increasing court-ordered evaluations and the lengthy process necessary to

return patients to competence, results in the need of a larger unit than is currently available. Constant delays due to lack of beds, resulting in lengthy delays even for individuals who have been in court-ordered or deemed incompetent to stand trial. Court-ordered evaluations are usually expected to be completed within 60 days. Waiting lists for these services can take a significant amount of that time before the patient can be admitted.

In addition, acuity complications, secondary to security need of patients in non-securing setting, impact the availability of beds at RPC. The proposed BASE unit would relieve this negative impact on the RPC and the community. The facility would be constructed, owned, and operated by an experienced provider. Based on conversations with various providers, it is expected that this project would take approximately 24 months to complete. It is projected that the annualized cost for each individual served on this BASE unit would be \$370,000, utilizing 50 beds. The anticipated total annual operating cost would be \$18,500,000. In order to secure a contract with providers and encumber funds, one month of services would be needed to be appropriated at \$1,541,666. In conclusion, this bill would allow the Riverview Psychiatric Center to treat individuals in need of hospital level of care who have received a behavioral assessment safety evaluation prior to admission, increasing patient and staff safety. I urge you to support this bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Dion.

Representative **DION**: Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the observations made by my colleagues on the other side of the aisle. In the last number of years, I've had the opportunity to work with Representatives Sanderson and Malaby on the issues of mental health and our correctional healthcare systems and their response to that.

I just want to make a couple of points. First of all, I know there are members of my caucus that are concerned that prisons and private vendors pose a problem. Please keep in mind that I believe that this proposal's about providing healthcare on a contract basis to deal with the specific forensic needs that exist today that are in crisis because they're not available for the court system, attorneys and families looking for proper evaluation and intervention for their loved ones who've entered the criminal justice system. So I think there's some merit in taking a look at that particular issue.

And in terms of providing healthcare, we currently do work with private vendors both at the county and the state level to accomplish this. Last session, the bipartisan team put together legislation so that we created a mental health stabilization unit at the state prison in Warren. I think it's had great merit. However, the DOC Commissioner at that time and the current Commissioner who holds that responsibility were both absolutely candid in their inability to provide hospital-quality and hospital-standard healthcare. That remains a goal and it's a goal that should be accomplished. This bill might, in fact, provide an opportunity to accomplish that. I think it has merit. It should be more fully developed and explored.

And I just wanted to say I wasn't prepared to speak about this today, but I have to concur with my colleagues. This is a crisis situation. It can be affirmed by any sheriff in the state. I've recently met with judges. It remains on their mind. There are simply no beds to send these individuals for a proper evaluation and treatment. Thank you for your patience.

On motion of Representative MARTIN of Eagle Lake, **TABLED** pending the motion of Representative ESPLING of New Gloucester to **RECEDE AND CONCUR** and later today assigned. (Roll Call Ordered)

### Non-Concurrent Matter

Bill "An Act To Allow Maine Residents To Personally Import Medications as Permitted under the Federal Food, Drug, and Cosmetic Act" (EMERGENCY)

(H.P. 968) (L.D. 1422)

Minority (6) **OUGHT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on June 9, 2015.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Fecteau, who wishes to address the House on the record.

Representative **FECTEAU**: Thank you, Mr. Speaker, in reference to Roll Calls 239 through 249, had I been present, I would've voted "yea" on each of them. In reference to Roll Calls 250 through 252, had I been present, I would've voted "nay" on each of them. In reference to Roll Calls 253 through 263, had I been present, I would've voted "yea" on each of them. Thank you, Mr. Speaker.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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On motion of Representative COOPER of Yarmouth, the House adjourned at 6:48 p.m., until 9:00 a.m., Thursday, June 18, 2015, in honor and lasting tribute to the memory of Rebecca Meredith Schaffer, the daughter of Representative Cooper, who would have celebrated her 27th birthday today.